

70/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No...213/01.....

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SECTION OFFICER (Judl.)

Kahil
2/12/17

FORM NO. 4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO ... 213 ... OF 2001.

Applicant (s) Manik Chandra Das

Respondent (s) Leg. 2015.

Advocate for Applicants (s) Mn. Adil Ahmed.

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

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in the form of a petition. Petition is filed in the said vide M.P. No. 14/2001 P.C.R. for Rs. 50/- demanded vide IPO/BL No. 69 79250/ bb Dated.....15/5/2001 <i>(Signature of Dy. Registrar)</i></p>	5.6.01	<p>Application is admitted. Call for the records. List on 2.7.2001 for order.</p>
	2.7.2001 <i>NS 5/6/01</i>	<p><i>IC Ushan</i> Member</p>
<p>Requisites all filed.</p>		<p>On the request of Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents, three weeks time is allowed to the respondents to file written statement. List on 3-8-2001 for further orders.</p>
<p>Notice has been issued to the respondents to file written statement as on the prayer made by Shri A. Deb Roy, learned Sr.C.G.S.C.</p>	03.08.01 <i>7/6/01</i>	<p><i>IC Ushan</i> Member</p>
<p>① Service report are still awaited.</p>	29.6.01	<p><i>IC Ushan</i> Member</p>

5.9.01 On the request of Mr. A. Deb Roy, learned Sr. C.G.S.C., 4 weeks time is allowed to file written statement.

List on 8/10/01 for order.

No. written statement has been filed.

By
5.10.01

K C Ushan
Member

mb

8.10.01 List the case again on 19.11.2001 to enable the respondents to file written statement.

No. written statement has been filed.

By
16.11.01

K C Ushan
Member

Vice-Chairman

bb

19.11.01 List on 12.12.01 for filing of written statement.

No. WLS has been filed.

By
31.12.01

K C Ushan
Member

Vice-Chairman

1m

12.12.01 It is informed by Sri A. Deb Roy, learned Sr. C.G.S.C. that written statement has been sent for signature and requested for short adjournment. Sri A. Ahmed, learned counsel for the applicant also heard.

List on 17.1.02 for order.

No. written statement has been filed.

By
16.1.02

K C Ushan
Member

mb

17.1.2002

No written statement so far filed. List on 14.2.2002 to enable the respondents to file written statement.

W/S to the Respondents.

K C Ushan
Member

Vice-Chairman

mb

14.2.02

Written statement has been filed. The case may now be listed for hearing. The applicant may now file rejoinder within two weeks from today.

List on 19.3.2002 for hearing.

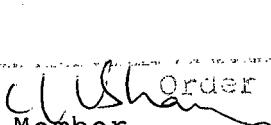
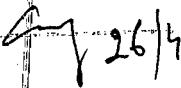
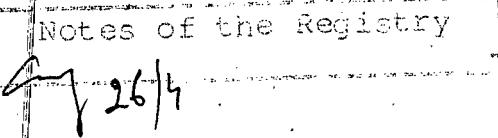
No. rejoinder has been filed.

By
18.3.02

K C Ushan
Member

Vice-Chairman

5
3
C.A.213/2001

Notes of the Registry	Date	Order of the Tribunal
	19.3.2002	None appears for the application. List the case again on 20.3.2002 for hearing.  Vice-Chairman
	20.3.2002	Heard the learned counsels for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.  Vice-Chairman
18.4.2002  Copy of the Judgment has been sent to the Dftee. for issuing the same to the applicant as well as to the Mr. C.G. SC. by Mr. 		
Notes of the Registry  26/4	Date nkm	Order of the Tribunal Member Vice-Chairman
Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 213 of 2001

20.3.2002
Date of Decision.....

— Shri Manik Chandra Das — Petitioner(s)

— Mr A. Ahmed

Advocate for the
Petitioner(s)

— Versus —

— The Union of India and others

Respondent(s)

— Mr A. Deb Roy, Sr. C.G.S.C.

Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : Vice-Chairman

NO

?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.213 of 2001

Date of decision: This the 20th day of March 2002

Shri Manik Chandra Das,
Village & P.O.- Panbari,
P.S.- Chandrapur, District- Kamrup,
Assam.

.....Applicant

By Advocate Mr A. Ahmed.

- versus -

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

2. The Director General,
Ordnance Service,
Master General of Ordnance Branch,
Army Head Quarters,
New Delhi.

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

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The matter pertains to recruitment as Mazdoor under the respondent No.3- Commandant, 222 ABOD, Narengi Camp, C/o 99 APO. The respondent authority took steps to fill up the backlog vacancies of SC/ST candidates on Special Recruitment Drive. The applicant was called for the interview for the post of Mazdoor by letter dated 12.1.1994. The applicant alongwith other candidates appeared before the interview board on 28.1.1994. Thereafter the applicant alongwith other selected candidates were asked by the respondent No.3 to submit the original certificates and documents. All the selected candidates including the applicant accordingly

submitted their certificates and documents to the Personnel Officer of the Advance Base Ordnance Depot. The Personnel Officer of the Depot served the applicants with forms relating to Police Verification and Medical Verification. The applicant duly filled in the forms and submitted to before the Personnel Officer of the Ordnance Depot. Though the applicant was selected for the post of Mazdoor the respondent authority without assigning any good reason did not appoint him against the backlog vacancies. Hence this application assailing the action of the respondents.

3. The respondents contested the case and submitted their written statement. As per the written statement the appointment letters were not issued to the selected candidates pursuant to the direction of the Army Headquarters vide letter No.80992/SCT-93/S-8C(i) dated 18.10.1993. The Depot authorities made a series of correspondence with the Army Headquarters and the Army Headquarters finally directed the Depot authorities to appoint the selected candidates of SRD-93 based on the post-based roster maintained by this Depot. Due to the filling up of SC vacancies by the SC candidates during the earlier selection process the applicant could not be appointed by the Depot authorities. However, the Depot administration has appointed some candidates selected under SRD-93 and the applicant will also be appointed after completion of official formalities.

4. In view of the clear stand taken by the respondents, we do not find that any order or direction is required to be issued by this Tribunal. The respondents have genuinely addressed their mind to the facts and circumstances of the case and as a matter of fact they have taken all steps for

resolving.....

A3

: 3 :

resolving the situation expeditiously. It has clearly spelt out its desire to appoint the applicant after completing the official formalities. In the circumstances we do not find any reason to issue any direction to the respondents. Needless to mention that in the event the respondents falter in carrying out its assurance, it will always be open to the applicant to seek appropriate remedy provided by law.

5. Subject to the observation made above the application is disposed of. There shall, however, be no order as to costs.

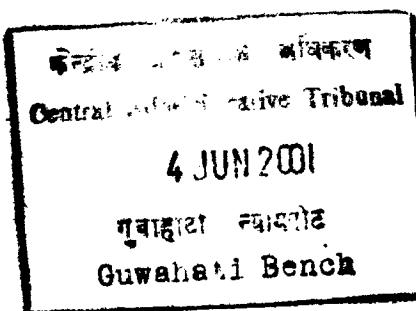
KK Sharma

(K. K. SHARMA)
ADMINISTRATIVE MEMBER

D. N. Chowdhury

(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 213 OF 2001.

Sri Manik Chandra Das

-Applicant.

-Versus-

Union of India & Others

-Respondents.

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Filed by
Advocate.
(Adv. ALI MIRZA)

Filed by
 Manik Chandra Das, applicant
 []
 (Adv. AMR 81)
 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 2001.

B E T W E E N

Shri Manik Chandra Das,
S/o Late Sachindra Kumar Das,
Village & P.O.- Panbari,
P.S.-Chandrapur,
District-Kamrup (Assam),
PIN - 782401.

-Applicant.

-AND-

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

2. The Director General,
Ordnance Service, Master
General of Ordnance Branch,
Army Head Quarters, P.O.- DHQ,
New Delhi-110011.

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:

Facts of the case in brief are given below:

4.1. That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges and protection guaranteed by the Constitution of India.

4.2. That your applicant begs to state that the applicant is a Scheduled Caste by



community. He is a permanent resident of Panbari, Chandrapur, District of Kamrup, Assam.

4.3 That your applicant begs to state that he was called for recruitment as Mazdoor under the Office of the Commandant, 222 Advance Base Ordnance Depot, Narengi. His candidature was sponsored by the Employment Exchange, Guwahati. It is pertinent to mention here that the above recruitment of Mazdoors were made against backlog vacancies of S.C./S.T. candidates on Special Recruitment Drive. The applicant was called for interview for the post of Mazdoor vide letter dated 1599/T/45/Est dtd. 12th January, 1994. The above mentioned call letter was issued by the Office of the Commandant, 222 Advance Base, Ordnance Depot, C/o 99 APO.

Annexure-A, is the photocopy of call letter dated 12-01-94 issued by the Office of the Respondent No. 3 to the applicant.

4.4 That, the applicants beg to state that all the applicants appeared before the interview board on 28-1-94. 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 Ordnance 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 Ordnance Depot.

4.5 That the applicant begs to state that, thereafter, the Respondent No. 3 informed him that he was 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.

4.6 That the applicant begs to state that after not getting the appointment letters from the Respondents they submitted representation before the Respondent on 28-06-1998 for early appointment in the post of Mazdoor. The Office of the Respondent No. 3 informed the applicants that his name was in select panel of the Board and his name has been forwarded to the Eastern Command for sanction of vacancies and whenever the vacancies will release he will be appointed accordingly. The applicants herewith annex such letter No. 1523/SC-ST/121/Civ Est dated 11-08-1998 for the kind perusal of the Hon'ble Tribunal.

Annexure-B is the photocopy of the above said representation dated 29-06-1998 submitted by the applicant.

Annexure-C is the photocopy of the letter No. 1523/SC-ST/121/Civ Est dated 11-08-1998.



4.7 That the applicant begs to state that the applicant again filed his representation on 06-02-2001 before the Respondents for his early appointment in the post of Mazdoor as per earlier assurance given by the Respondents. The Office of the Respondent No. 3 vide his letter No. 1523/SC-ST/35/CIV/Esst dated 03-03-2001 informed the applicant he will be appointed to the post of Mazdoor when the vacancies been released by the Competent authority. But till today the Respondents neither released the vacancies of Mazdoors as per backlog vacancies of ST/SC candidates on Special Recruitment Drive nor appointed them in the above said posts.

Annexure-D is the photocopy of representation submitted by the applicants before the Respondent on 06-02-2001.

Annexure-E is the photocopy of Letter No. 1523/SC-ST/35/CIV/Esst. Dated 03-3-2001 issued by the Respondent No.3.

4.8 That your applicant begs to state that some of the Mazdoors who were also selected alongwith the applicant filed the Original Application No. 30 of 2000 and O.A. No. 180 of 2000 before this Hon'ble Tribunal for seeking direction from this Tribunal for appointment. During the pendency of the above said cases the Respondent No. 3 appointed the applicant of the said O.A., namely, Sri Petli Rammanna, Sri Dipak Tumung, Sri Premdhar Das, Sri Ranjit Das.



But the Respondents did not take steps for appointment of the instant applicant as he was not applicant of the said Original Application. Hence the applicant is compelled to approach this Hon'ble Tribunal for seeking justice and also with a prayer for early appointment.

4.9 That your applicant begs to state that his name has already been struck out from further employment by the Employment Exchange because the Respondents have already intimated the Exchange for his appointment in the post of Mazdoor.

4.10. That your applicant begs 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 similarly situated persons have already been appointed due to non-inclusion of the applicant in earlier Original Application he was left out.

4.11 That the applicant begs to state that he is a very poor person and also hailed from a backward community and he is 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.

4.12 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.

4.13 That your applicant submits he is 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.

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

4.15 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 applicant from starvation.

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action of the Respondents for not appointing the applicant



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 applicant under the Special Recruitment Drive of SC/ST and they should not deprive the applicant from this and hence, the same is bad in the eye of law.

5.3 For that, similarly situated persons has already been appointed for they have approached this Hon'ble Tribunal but the applicant's case was not considered for not approaching this Tribunal. Hence, the action of the Respondents are whimsical and bad 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.

5.5 For that, the applicant's case is a genuine and he 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 applicant 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:



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 applicant 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.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant 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.



10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 66792501

Date Of Issue 15.5.2001

Issued from Guwahati G.P.O.

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.



VERIFICATION

I, Shri Manik Chandra Das, S/o Late SACHINDRA Kumar Das, resident of village & P.O.- Panbari, P.S.-Chandrapur, District-Kamrup (Assam),PIN - 782401 the applicant of the instant Original Application do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.4, 4.5, 4.8 to 4.12 are true to my knowledge those made in paragraphs 4.3, 4.6, 4.7, 4.8 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 9th day of June , 2001.

Sri- Manik Ch. Das.
Declarant

15-

222
222
C/O
69 APOKurim Sthni Aymidi Ahndar
Alliance Base Ordnance Depot

1599/T/1/1/Est

Sh. Manki Das

Vill & PO: Panbari

P.S: Chirang & D.U.

RECRUITMENT : MAZDOOR

DOORS

1. Your name has been forwarded for recruitment as MAZDOOR in the
2. You will report to Personnel (Narangi Camp) on 27/28/1964

by Employment Exchange Guwahati's depot.

Officer (Civ) at 222 ABOD
161 for interview/test.GENERAL INSTRUCTION

(a) You are advised to bring original copy of educational certificate/date of birth/SC/ST certificate/SC/ST certificate (in case of Scheduled Caste/Scheduled Tribe candidates) from the District Authority and in the case of Ex-Servicemen, dis-eligibility before the Board. Candidate will have to appear for interview at their

(b) Candidate willing to serve anywhere in India.

(c) The decision of the recruitment board shall be final. No correspondence would be entertained in this behalf.

(d) You have full liberty to converse in Hindi during the interview/test.

(e) Appointment letter will be issued to the selected candidates after necessary Police Verification report from the Civil authority and after medical fitness.

Yours, faithfully,

(R.P. Panigrahi)
Major/Capt
Personnel Officer (Civ)
for Commandant

/Murali/

ANNEXURE-B

16-

24

To

The Personnel Commandant Officer (Civil)
222 ABOD (Narangi Camp)
Guwahati-20.

Dated, the 29th June, 1993.

Sir,

Most humbly respectfully beg to state that I am a poor Scheduled caste community people and an young and energetic man but going without any employment till date.

That Sir, I appeared for an interview in your office through Employment exchange on 28/1/94 and thereafter I come to know from reliable source that I have been selected for the post aspired for.

I would therefore humbly request your kind honour to appoint me in your office without further delay and thus save a poor family from starvation, for which act of your kindness I shall remain obliged.

Yours faithfully,

Enclo:- 5 Nos. certificate.

xxxxxxxxxxxxxx

(Manik Ch. Das)
xxxxxxxxxxxxxx Panbari.

222 Agrim Sthaf Ayudh Bhanda
222 Admiree No. 81 Graphic Depar
C/1 99 APO

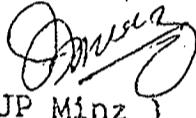
1523/SC-ST/(D-)/Civ Est

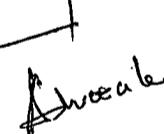
11 Aug 98

Shri Manik Chandra Das
Vill- Panbari
PO - Panbari
PS - Chandrapur
Dist- Kamrup (Assam)
Pin Code : 782401

RECRUITMENT OF MAZDOORS INTERVIEW
HELD IN JAN 94 REGARDING

1. Refer to your application dated 29 Jun 98.
2. Select panel of your board was forwarded to HQ Eastern Command for sanction of the vacancies but the vacancies have not so far been released by the competent Authority. As and when the vacancies are released you will be intimated accordingly.


(JP Minz)
OOC (Adm)
Pers Officer (Civ)
for Commandant


After

Anwale

From:- Manik Chandra Das,
Village & P.O.Panbari
P.S.Chandrapur,
Dist. Kamrup(Asam)
PIN CODE: 782401.

Dated 6.2.2001.

Tc,

The Personnel Officer(Civil),
Office of the Commandant,
222 ABOD (Narangi Camp),
Guwahati-20.

Sub:- Recruitment as Mazdoor.

Ref:- Your office letter No.1523/SQ-ST /121/Viv Est,
Dated 11 Aug. '98.

Sir,

With reference to your above letter regarding recruitment of Mazook by which you were kind enough to intimate me about selection of my name and forwarding the select panel list to HQ Eastern Command for further necessary action.

In this respect, I would like to draw your kind attention that more than two years have lapsed but, however, no action whatsoever taken regarding recruitment as Mazdoor has been intimated to me till date. I have been eagerly expecting to be appointed as Mazdoor under your kind disposal.

I shall be highly obliged if you kindly intimate
me a positive action in the matter at your earliest.

With regards,

Yours faithfully,

(Manik Chandra Das.)

After 61
1/2 - 1
Annotate

ANNEXURE

REGISTERED BY POST

222 Agri Sthai Ayudh Bhnadar
222 Advance Base Ordnance Depot
C/O 99 ABQ

1523/SC-ST/ 1/1 /C1 v Int

Mar 2001

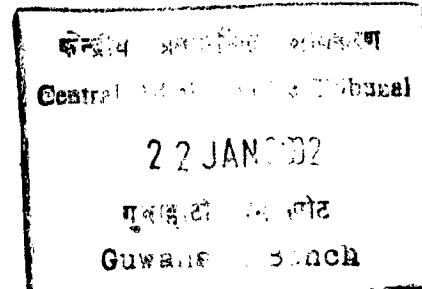
Shri Manik Chandra Das
Vill & PO - Panbari
PS : Chandrapur
Dist : Kamrup (Assam)
P.No : 782401

RECRUITMENT OF MAZDOOR

1. Refer your application dated 06.02.2001.
2. Select panel of your board was forwarded to HQ Eastern Command for sanction the vacancies but the vacancies have not so far been released by the competent Authority. As and when the vacancies are released you will be intimated accordingly.

(JP Minz.)
OOC (A)
Pers Officer (Civ)
for Commandant

John A. Hart
John A. Hart
John A. Hart



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

Filed by
Shri Manik Chandra Das

O.A. No. 213 OF 2001

Shri Manik Chandra Das

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written statement submitted by the
respondents

The Written statements of the respondents are
as follows :

1. That with regard to the statement made in para 1 of the application, the respondent like to state that the Govt. of India has 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 (Photo copy attached) directed to implement the same in our depot with the instructions to fill up the vacancies by 31 Mar 94.
2. That with regard to the statement, the respondents beg to state that Army HQ vide letter No. 80992/SCT-93/5-SC(i) dated 18 Oct 93 (copy enclosed) directed not to issue appointment letters to the selected candidates for SRD-93 till receipt of Govt. of clearance. The applicant of the instant O.A. was

Shri Manik Chandra Das
C. A. No. 213 OF 2001
Guwahati Bench

selected by a Board of officers against backlog vacancies for SC/ST candidates on SRD-93. It is reiterated that since 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 letter in respect of the applicant was issued by this depot. The depot authorities has made protracted correspondence with Army HQ and recently Army HQ have directed to appoint the selected candidates of SRD-93, based on the post-based roster maintained by this depot. Due to the filling up of SC vacancies by the SC candidates during the earlier selection processes, the applicant could not be appointed by the depot authorities. However, the depot administration has appointed some candidates selected under SRD-93 and the applicant will also be appointed after completion of official formalities.

3. That with regard to paras 2 and 3, the respondents beg to state that the matters relating to the provisions of the Administrative Act, 1985 and Rules made there under, accordingly save (except) what appears therefrom, the respondents beg to offer no comments.

4. That with regard to paras 4.1 and 4.2, the respondents beg to state that the same are matters of record. Nothing beyond record is admitted.

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

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6. That with regard to para 4.4, the respondents beg to state that the same are matters of record. Nothing beyond record is admitted.

7. That with regard to para 4.5, the respondents beg to state that 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 applicant regarding non-receipt of clearance of their case from the Higher authorities.

8. That with regard to paras 4.6 and 4.7, the respondents beg to ~~state~~^{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 para 4.8, the respondents beg to state that the same are matters of record. Nothing beyond record is admitted. Regarding the later part of the statement respondent requested the Hon'ble Tribunal to refer to our proceeding paras 1 and 2.

10. That with regard to para 4.9, the respondents beg to state that the names of candidates for the post of Mazdoor were asked from Employment Exchange. But no intimation regarding the deletion of the applicant's name has been received from Employment Exchange and as such there is not question of striking off their names from the Employment Exchange. The point made by the applicant is not correct and hence, specifically ^{denied} ~~ended~~. Gopal

denied

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11. That with regard to para 4.10, the respondents beg to state that it is not understood since the applicant could not be appointed due to non receipt of release orders from Army HQ. Some candidates selected under SRD-93 were appointed by this depot in view of the receipt of clearance in respect of those individual.
12. That with regard to para 4.11 and 4.12, the respondents beg to offer no comments. Regarding the appointment of applicant please refer our preceding paras, wherein the position has been amply clarified.
13. That with regard to ~~the~~ para 4.13, the respondents beg to offer no comments.
14. That with regard to para 4.14, 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.
15. That with regard to para 4.15 and 4.16, the respondents beg to offer no comments.
16. That with regard to para 5.1, the respondents beg to state that the allegation made are not admitted since the clearance for appointment against SRD-93 was not received from the Central Govt. In connection with the appointment of the applicant, please refer to our preceding paras.
17. That with regard to para 5.2, the respondents beg to state the observation raised by the applicant is denied since appointment could not be given to them owing to the

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non receipt of clearance from the Central Government.

18. That with regard to para 5.3, the respondents beg to state that it is reiterated that due to the non-receipt of clearance the applicant could not be appointed.

However, necessary steps are taken to appoint the applicant. The allegation made by the applicant is totally denied.

19. That with regard to para 5.4, the respondents beg to state that the allegation as mentioned in the para.

20. That with regard to para 5.5, the respondents beg to offer no comments.

21. That with regard to paras 5.6, 5.7 and 5.8, the respondents beg to state that denied the allegations mentioned therein.

22. That with regard to paras 6 and 7, the respondents beg to offer no comment.

23. That with regard to 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 malafide on the part of the applicants to interfere in the present recruitment process. Also during 1997 and 2000, some Mazdoors were recruited after observing necessary formalities, but during those period, the applicants did not raise any objection. Filing of Court Case after the expiry of a considerable period is also a testimony to the fact that the applicant is not clear of rule position. The respondents humbly request the Hon'ble Court to reconsider restrictions imposed in the present recruitment process and

-9-

and set aside and quash of O.A. filed by the applicant with cost.

24. That with regard to para 9, the respondents beg to state that 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, interviewed recently as are released by Army HQ letter No. 15251/OS/MP 4(Civ)Xb dated 05 Mar 2001 and even no dated 24 May 2001. 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 O.A. 213/2001 is liable to be set aside and with cost.

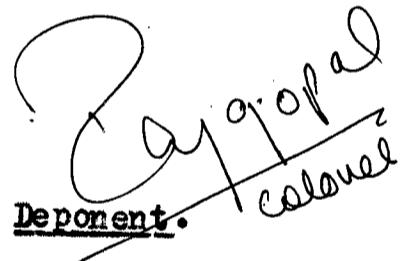
Verification.....

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VERIFICATION

I, Shri Col M Rajgopal, Commandant
Son of Shri Lt Col PS Menon (Rtd) aged
about 43 yrs being authorised do hereby verify and
declare that the statements made in this written statement
are true to my knowledge & information and believe and
I have not suppressed any material fact.

And I sign this verification on this ^{2nd} ~~th~~ day of December 2001, at Guwahati.


Rajgopal
Colonel
Deponent.

(27) 95
(10)

PERSONAL ATTENTION OF THE CONDTs/COOs/OCs

OP IMMEDIATE/TIME BOUND
Special Recruitment Drive

Tele : 2428321/2289

REGISTERED/SDS

Headquarters
Eastern Command
Fort William, Calcutta - 21

321891/2/SCT/ 100⁹ /OS-8C

04 Oct 93

222 ABOD

List 'C'

SPECIAL RECRUITMENT DRIVE FOR THE YEAR 1993 TO FILL
UP THE BACKLOG OF RESERVATIONS FOR SCs AND STs

The Government has decided to launch a Special Recruitment Drive for filling up backlog of reserved vacancies as on 31 Mar 93, which was done during the last three years. In this connection, a copy of Rm of Def/D(JCM) ID No 23 (6) /93/SCT/D(JCM) dt 10.8.93 to DDCB with copy of DO No 28034/1/93-Estt(A) dt 27.7.93 with its enclosures are enclosed. These may please be strictly adhered to.

The salient points of guidelines given in Para 5 of DO Letter dt 27.7.93 reproduced below, be followed while conducting the recruitment drive, given in the Annexure I, Annexure II and Annexure III.

1) The first stage of the recruitment process should be completed by the 15th of Oct 1993 by sending requisitions to DSC, SCC, Employment Exchanges and release of advertisement for the indentified vacancies.

- 1) Advertisement may be published under the caption "Special Recruitment Drive for SC/ST".
- 2) While calling for applications, at least a period of six weeks may be prescribed for receipt of applications.
- 3) Wide publicity may be given so that the information reaches the target groups.
- 4) While sending requisitions to the Employment Exchanges, a period of seven days may be given for nomination of candidates. If no names are received within this period, or if adequate number of candidates are not sponsored, the recruiting authority may advertise the posts calling for applications from SC/ST candidates who are registered with any of the Employment Exchanges. Such applications alongwith names, if any, subsequently received from the Employment Exchanges may be considered for making recruitment.
- 5) In case of adequate number of candidates for selection, the help of voluntary agencies may be sought. A list of such agencies is enclosed at Annexure III.

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3. Attention is also invited to Para 6 of the DO letter dated 27.7.93 and the nominated Officer may be contacted in case of any points regarding clarification.

4. You are requested to assess the backlog of reserved vacancies for SCs/STs as on 31.3.93 and furnish report on Annexure II-Proforma I identified to wipe out the backlog during the proposed drive. ~~The vacancies which are currently available on 31.3.93~~ should be taken into account for filling up on immediate basis as per the existing procedure. It is stressed that firm and accurate figures are furnished. Subsequent changes would not be accepted. First report on Annexure II-Proforma I and Proforma II may please be forwarded to this HQ by 10 Oct 93. The subsequent fortnightly progress report may also be sent to this HQ by 1st and 15th of each month on Proforma II. In case these dates happen to be closed Sunday in any month all efforts should be made to furnish the report one day prior to the target dates.

5. Since the first report and the subsequent progress reports are to be submitted to Ministry of Personnel Public Grievances and Complain through Ministry of Defence, the time schedule for submission of the reports be strictly adhere to.

(T. N. Roy)
Col
DCG
for J.G. ACC

1.

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PERSONAL ATTENTION OF THE COMDTS/COOS/OCS

OP IMMEDIATE/TIME BOUND
Special Recruitment Drive

Tele : 2428321/2289

REGISTERED/SDS
Headquarters
Eastern Command
Fort William, Calcutta - 21

321891/2/SCT/ 1016 /OS-8C

25 Oct 93

222 ABAD
List 'C'

SPECIAL RECRUITMENT DRIVE FOR THE YEAR 1993 TO FILE
UP THE BACKLOG OF RESERVATIONS FOR SCs AND STs

Further to this HQ letter No 321891/2/SCT/1009/OS-8C dated
16 Oct 93, a copy of Army HQ letter No 80992/SCT-93/OS-8C(i)
dated 16 Oct 93 is forwarded herewith for strict compliance.

() FK Khatra
Lt Col
DA OS
for MG ACC

Copy of Army HQ letter No 80992/SCT-93/OS-8C(i) dt 16 Oct 93
AS ABOVE

1. Further to our letter No 80992/SCT-93/OS-8C(i) dt 27 Aug/
16 Sep 93.

2. The issue of appointment letters to the selected candidates
is concerned, no repeat no appointment letters are to be issued to
the selected candidates of SRD-93 till receipt of government
clearance.

SD/- x x x x x x x x

() Iqbal Singh
Col
Director OS (Pers)
for DG OS

Done this

1 Nov 93

ACC 1000 01/02

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ANNEXURE I

TIME SCHEDULED FOR THE SPECIAL RECRUITMENT DRIVE, 1993

<u>ITEMS</u>	<u>TARGET DATE</u>
Assessment of vacancies in Ministry/ Department, Subordinate, attached Offices and autonomous bodies.	1st Oct 1993
Issuing requisitions to UPSC/SSC Employment Exchanges and Release of advertisements.	15th Oct 1993
Last date for receipt of applications.	15th Dec 1993
Completion of recruitment where examinations are to be held.	15th Feb 1994
Completion of recruitment where examinations are to be conducted.	31st Mar 1994

PROFORMA II

Special Recruitment Drive SC/ST
Progress Report due by

Ministry of _____

Department of _____

Progress of filling up of carried forward reservations for SC/ST in the direct recruitment quota

SCHEDULED CASTES/TRIBES

Group A Group B Group C Group D

a. No. of vacancies identified for the drive	_____	_____	_____
b. Recruitment action taken through UPSC (requisition sent)	_____	_____	_____
SSC (" ")	_____	_____	_____
Others (Advertisements issued/requisition sent to emp. exchanges)	_____	_____	_____
c. No. of candidates selected till date through UPSC	_____	_____	_____
SSC	_____	_____	_____
Others	_____	_____	_____
Total	_____	_____	_____

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d. Remarks

Note : Separate sheets may be used for SC/ST

ANNEXURE - IIPROFORMA - IMinistry/Department ofDetails of vacancies identified for
Special Recruitment Drive for SC/ST.Scheduled Castes

Group

A B C D Total

1. Vacancies to be filled through UPSC
2. Vacancies to be filled through SSC
 - a. belonging to CSS/
CSSS/CSCS
 - b. others
3. Vacancies to be filled by Ministries/Departments

Total

Scheduled Tribes

Group

A B C D Total

1. Vacancies to be filled through UPSC
2. Vacancies to be filled through SSC
 - a. belonging to CSS/
CSSS/CSCS
 - b. others
3. Vacancies to be filled by Ministries/Departments

Total

82
(3) 40

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ANNEXURE-III

No. 36012/6/88-Estt. (SCT)/SRD

BHARAT SHARKAR

GOVERNMENT OF INDIA

Karmik, Lok Shikayat tatha Pension Mantralaya
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND
PENSIONS

Karmik our Prashikshan Vibhag
DEPARTMENT OF PERSONNEL & TRAINING

NEW DELHI dated the 19 July, 1989

OFFICE MEMORANDUM

Special Recruitment Drive for Scheduled Castes
Scheduled Tribes-Enlisting the assistance of
voluntary organisations.

In the meeting held on 13th Jul, 1989 under the co-chairmanship of Minister of State for Welfare and Minister of State for Personnel, Public Grievances & Pensions, representatives of various voluntary agencies for the Welfare of Scheduled Castes and Scheduled Tribes have assured full co-operation in making the Special Recruitment Drive a success. They have agreed to help the various Government Departments and recruiting agencies by sponsoring the names and particulars of Scheduled Castes and Scheduled Tribes candidates to fill up reserved vacancies.

A list of voluntary organisations is enclosed. It is requested that this list may be widely circulated among the subordinate formations. It is suggested that if any Ministry/Department/Office faces any difficulty in locating suitable qualified candidates to fill up reserved vacancies during the Special Recruitment Drive, they may immediately contact any of the organisations for necessary assistance.

Sd/- x x x x
(M.V. Kesavan)
Director (E)
Tele No. 301 1479

ANNEXURE- IV

List of Important Instructions issued in connection with
Special Recruitment Drive.

Instruction No & Date

OM-36012/6/88-Estt (SCT)

dt

25.4.89

Subject
Ban on the reservation in direct recruitment to vacancies under the Govt with effect from 1.4.89-definition of backlog.

OM-36012/13/88-Est (SCT)

dt

22.5.89

Measures to increase SC/ST representation through direct recruitment- SC/ST candidates, selected on their own merits without relaxed standards not be adjusted against reserved vacancies.

Contd....2/-

OM-36012/6/88-Est(SCT)/ SRD(II) dt 5.6.89	2	Filling up of reserved vacancies in the promotion quota.
OM-36012/6/88-SCT(SRD) dt 5.6.89		Exchange of vacancies between Schedule Castes and Schedule Tribes or vice-versa not permissible in relaxation of prescribed conditions for filling up vacancies under Special Drive.
OM-36012/16/88-Est(SCT) dt 7.3.89		Notification of vacancies of Employment Exchanges-candidates registered in other exchanges can be sponsored if suitable candidates are not available at local Employment Exchange.
OM-36012/16/88-Est(SCT) dt 27.6.89		Notification of vacancies in Employment Exchange-procedure to be followed in case no response received from Employment Exchange within a certain period.
OM-36012/6/88-Est(SCT)/SRD dt 19.7.90		Special Recruitment Drive-enlisting the assistance of voluntary organisation.
OM-23034/5/90-Est(R)/SRD dt 29.6.90		Relaxation of ban on filling up of vacancies specific relaxation to be sought from the Employment of Expenditure.
2/41/89-CS(III) dt 20.7.90		Special Drive for SC/ST-exemption from obtaining NOC from Surplus Cell
4017/13/89-Est(RR) dt 10.7.90		Filling up of vacancies reserved for SC/ST, following in the promotion quota-temporary diversion of reserved vacancies in the promotion quota, not filled up to the direct quota for filling up the same.

VOLUNTARY ORGANISATIONS

S.No	Name of the Organisation	Mailing Address of representatives/Organisations.
1.	Ramakrishna Mission Ashram	<p>(1) Swami Gokulananda, Secretary, Ramakrishna Mission, Ashram Marg, <u>New Delhi</u></p> <p>(2) Swami Atmavidananda, Secretary, Ramakrishna Mission Ashram, Morabadi, Ranchi, Bihar</p>
2.	All India Harijan Sevak Sangh	<p>(1) Kumari Nirmala Deshpande, President, Kingsway Camp, <u>Delhi</u></p>

Contd... 2/-

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MOST IMMEDIATE
TIME BOUND

MINISTRY OF DEFENCE
D(JCM)

7. Special Recruitment Drive for the year 1993 to fill up the backlog of reservations for SCs and STs.

A copy of Min of Personnel, Public Grievances and Pensions DO letter No 28034/1/93-Estt(A) dt 27 Jul 93, alongwith its enclosures is forwarded here with.

2. Army HQs etc. are requested to note the contents of the letter and take immediate action in the matter to fill up backlog vacancies for SC/ST as on 1.4.93.

3. The time schedule for completing the different steps of recruitment is given at Annexure-I, which may be strictly followed and Fortnightly Progress reports may be sent to this Ministry on the progress of the Drive in the prescribed proforma.

4. As the Govt. is committed to fill up the backlog of vacancies of SCs/STs by the end of 31st Mar 1994, therefore an immediate action is required to be initiated and all efforts have to be made to achieve the targets.

5. A consolidated information relating to the total number of backlog vacancies identified for the drive in your organisation may be sent to this Ministry latest by the last week of Mar 1993 in the prescribed proforma. The number of vacancies for which recruitment action has been initiated by sending, requisition to UPSC/SSC, Employment Exchanges etc. may also be indicated.

sd/- x x x (M.L. Salhi)
Under Secretary

DO No 28034/1/93-Estt(A).

BHARAT SARKAR
Karmik, Lok Shikayat Tatha Pension
Mantralaya, New Delhi - 110 001

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS
NEW DELHI - 110 001

Dated the 27th July 1993.

Dear Shri Nambiar,

As in the last three years, the Government has decided to launch a Special Recruitment Drive during this year also to fill up the backlog of reservations for Scheduled Castes and Scheduled Tribes in the Ministries/Departments of the Central Government, Central Public Sector Undertakings, Banks and Insurance Corporations, within a definite time frame.

Contd... 2/-

2. The Drive is being undertaken to fill up the backlog vacancies for SC/ST. The term "Backlog Vacancy" is fully explained in OM No 36012/6/88-Estt(SCT) dt 25.4.1989. According to these instructions backlog vacancies reserved for SC/ST are these reserved vacancies which by virtue of their not being filled up in a year are carried forward to the next year. The above instructions provide for backlog vacancies for being shown separately for purposes of recruitment. If the backlog so computed together with the current vacancies reserved for SC/ST exceeds 50% of the vacancies to be filled during a year, it may be limited to 50% of the vacancies.

3. It is requested that the backlog vacancies as on 1.4.93 may be assessed in your Ministry/Department as well as Subordinate/Attached Offices and Autonomous Organisations under the control of the Ministry/Department. After the same has been identified, requisitions may be placed with the UPSC and SSC, as the case may be. Where the vacancies are to be filled up by the Department directly through the employment exchange or through open advertisement, appropriate action should be initiated in this regard. This process should be completed latest by 15th Oct 1993.

4. The time schedule for completing the different steps of recruitment is given at Annexure-I. Every effort should be made to complete the recruitment within the schedule. Fortnightly progress reports may be sent to this Department on the progress of the Drive in the Proforma at Annexure II.

5. Certain guidelines for expediting the process of recruitment have been circulated during the Special Recruitment Drive conducted last year. I shall be grateful if the guidelines indicated below are followed while conducting the drive :-

i) The first stage of the recruitment process should be completed by the 15th of Oct 1993, by sending requisitions to UPSC/SSC, employment exchanges and release of advertisement for the identified vacancies.

ii) Advertisement may be published under the caption "Special Recruitment Drive for SC/ST". UPSC/SSC are also being requested to issue advertisements under the same caption.

iii) While calling for applications, at least a period of six weeks may be prescribed for receipt of applications. Wide publicity may be given so that the information reaches the target groups.

iv) While sending requisitions to the employment exchange, a period of seven days may be given for nomination of candidates. If no names are received within this period, or if adequate number of candidates are not sponsored, the recruiting authority may advertise the posts calling for applications from SC/ST candidates who are registered with any of the employment exchange. Such applications alongwith names, if any, subsequently received from the employment exchange may be considered for making recruitments.

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v) In case Ministries/Departments face difficulties in locating adequate number of candidates for selection, the help of voluntary agencies may be sought. A list of such agencies is enclosed at Annexure III.

6. A list of important instructions issued in connection with the Special Recruitment Drive conducted earlier is enclosed at Annexure IV. If there are any other points requiring clarification, officers of your Ministry/Department may contact Shri J.S. Mathur, Joint Secretary (Room No 111, North Block, Tele No. 30111276) or Shri Krishna Menon, Under Secretary (Room No 281, North Block, Tele No. 3014254) between 2.00 pm and 3.00 pm on working days.

7. It is requested that an officer of your Ministry/Department at the level of Joint Secretary may be nominated to liaise with this Ministry in all matters relating to the Special Recruitment Drive. The name, designation and telephone number of this officer may please be reported to Shri J.S. Mathur Joint Secretary, in this Ministry. It will be the responsibility of this officer to coordinate the recruitment efforts of all the attached and subordinate offices under your Ministry/Department and send to us the consolidated information about the progress of the drive from time to time.

8. As the Government is committed to fill up the backlog of vacancies of SCs/Sl's by the end of 31st Mar 1994, I shall be grateful if immediate action is initiated in the matter and all efforts are made to achieve the targets. Consolidated information relating to the total number of backlog vacancies identified for the Drive in the Ministry/Department, attached/Subordinate offices and autonomous organisations may be sent to this Ministry latest by the first week of Oct 1993 in the proforma at Annexure II. The number of vacancies for which recruitment action has been initiated by sending requisitions to UPSC/SSC, employment exchange etc., may also be indicated. Subsequently, report on the progress of recruitment under Drive may kindly be sent.

With regards,

Yours sincerely,

Sd/-
(N.R.Ranganathan)

Shri K.A.Nambiar,
Secretary,
Minist. of Defence,
New Delhi.