

GUWAHATI BENCH
GUWAHATI-05

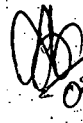
(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 284/2001
R.A./C.P No.
E.P./M.A No.

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SECTION OFFICER (Judl.)


07/12/17

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

APPLICATION NO. 284 OF 2001.

APPLICANT (S) Md. Jamsur Ali & ORs.

RESPONDENT (S) UOI & ORs.

ADVOCATE FOR APPLICANT(S) Md. S. Ali, Miss B. Seal, Miss N. Khanam.

ADVOCATE FOR RESPONDENT(S) Mr. A Deb Roy, Sp. C.A.C.

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form but not in time Condonation Petition is filed not filed vide M. P. No. C. F. for its 5th department vide IPO/BD No. 66-791836 Dated.....26/7/01....</p> <p><i>Dy. Registrar</i> <i>27/7/2001</i></p>	27.7.01	<p>We have heard Mr. S. Ali, learned Sr. Counsel for the applicant. The application is admitted, call for the records. List on 31.8.2001 for order.</p> <p><i>Member</i> <i>Vice-Chairman</i></p>
	31.8.01	<p><i>W/S has been filed.</i> List on 17/9/01 to enable the applicant to file rejoinder.</p>
<p>Notice prepared and sent to D/S for Govt. the respondent No 1 to 5 Regd A.D. vide D/No 2933 W 37 dtd 8/8/01</p> <p><i>11/8/01.</i></p>	17.9.01	<p>Written statement has been filed. The counsel for the applicant seeks three weeks time to file rejoinder. Prayer allowed. List on 4/10/01 for order.</p> <p><i>Member</i> <i>Vice-Chairman</i></p>

① Service report are still awaited

By
30.8.01

② W/S has been filed.

③ No. rejoinder has been filed. *By*

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4.10.01

It has been stated by Mrs. B. Seal, that they have also filed the rejoinder. The case may now be listed for hearing. List on 29/11/01 for hearing.

31.8.2001

W/S Submitted

by the Respond. No. 1 to 5

IC Ushara
Member

Vice-Chairman

mb
29.11.01

Prayer has been made on behalf of the respondents for adjournment of the case. Also heard Mr. S. Ali, & learned counsel for the applicant. Prayer is allowed. The case is accordingly adjourned.

5.10.2001

Rejoinder has been submitted by the applicant in reply to W/S

IC Ushara
Member

Vice-Chairman

mb
7.1.2002

Heard Mr. S. Ali, learned Counsel for the applicant & Mr. A. Debroy, Sr. C.A. for the respondent. Hearing concluded. Judgment reserved.

13.2.2002

Copy of the Judgment has been sent to the Office for 15.2.02. The due to the L/Ads in parties.

11.1.02

Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.

IC Ushara
Member

Vice-Chairman

mb

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 284 of 2001 of

DATE OF DECISION 11.11.2002

Md. Jainur Ali & 2 Ors.

APPLICANT(S)

Mr. S.Ali.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS.

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

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

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

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

hr.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 284 of 2001.

Date of decision : This the 11th day of January, 2001.

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

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

1. Md. Jainur Ali, SDA No.215204
S/o Syed Ali, Resident of Village Septi,
P.S.Rangia,
District-Kamrup, Assam.
2. Saifuddin Ahmed, SDA No. 215155
S/o Late Abdul Ali,
resident of Pub-Sahar,
P.S.Rangia, District-Kamrup,
Assam.
3. Md. Manir Ali, SDA No. 21519
S/o Md. Moslim Ali,
resident of village - Pub Sahar,
P.S. Rangia,
District-Kamrup,
Assam.

...Applicants

(At present all are working as regular Safaiwala Grade-IV employee in the office of the Administrative Commandant, Station Headquarter, Rangia, Kamrup, Assam).

By Advocate Mr. S.Ali.

-versus-

1. The Union of India,
represented by the Secretary to the
Government of India,
Ministry of Defence, New Delhi.
2. Additional Director of Staff
Duties (SDGE), General Staff
Branch, Army Headquarter, DHC,
New Delhi.
3. 51 Sub-Area, C/o 99 APO.
4. 101 Area Commandant,
C/o 99 APO
5. Administrative Commandant,
Station H.Q., Rangia,
Kamrup, Assam

...Respondents

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

O R D E R

CHOWDHURY J.(V.C.).

The applicants are all Conservancy Safaiwallas. They are working since 1982 and 1984 onwards and their services in due course were regularised. The main grievance of these applicants pertains to non consideration of their cases for appointment as Grade III post by way of promotion as per rule. In this application it was contended that all the three applicants are eligible for appointment as Lower Division Clerk and the recruitment rule also provides for appointment of persons in Group C cadre by way of promotion from amongst the civilian employees working as Conservancy Safaiwalla. Mr. S.Ali, learned counsel appearing on behalf of the applicants stated and contended that these applicants are all qualified persons and working under the respondents to the best of their ability for about two decades. Mr. Ali further contended that these applicants are stagnating in the same post for years together without getting any opportunity of promotion to the higher post


2. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents referred to its written statement and contended that there is/was no vacancy for promotion of the applicants. Mr. Deb Roy submitted that the case of the applicants were sympathetically considered as will appear from the Board Proceeding and all out efforts were made by the Station Headquarter with higher Headquarters during September, 1996 and the higher authority discarded the proposal on the ground of ban against the creation of new civil post.

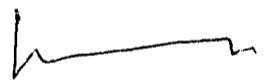
3. Upon hearing the learned counsel for the parties and on consideration of materials on record it appears that the Station Headquarter, Rangia took steps for creation of new post

Contd...

but the same was turned down by the higher authority on the ground of embargo on fresh appointment. Progression of career is one of the facets of the good administration. Stagnation not only affect the moral of the employees but it also erodes the administrative efficiency. The respondent authority no doubt took up the matter with the higher Headquarters in 1996 but about six years now elapsed. Keeping in mind the interest of the administration we are of the view that it is a matter in which the authority requires to find some way out and resolve the situation in the public interest. We feel it is a fit case in which the respondent authority need to apply its mind to remove the stagnation and take appropriate decision within a reasonable period.

4. With the observations made above, the application stands disposed of. There shall however, be no order as to Costs.


(K.K.SHARMA)
Member


(D.N.CHOWDHURY)
Vice-Chairman

trd

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

27 JUL 2001

गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
AT GUWAHATI.

O.A. NO. 284 /2001.

Mr. Jainur Ali & 2 Ors.

....

Applicants.

-Vrs-

Union of India & Ors

....

Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
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2	Annexure-1	- 12
3	Annexure-2	- 13
4	Annexure-3, 3(1), 3(2)	- 14, 15, 16.
5	Annexure-4	- 17
6	Annexure-5	- 18
8	Annexure-6	- 19
9	Annexure-7	
10	Annexure-8	

Filed by:-

Badhari Seal
Advocate
27/7/2001

Advocate.

27.10.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI
BENCH AT GUWAHATI.

(An application under section 19 of
the Central Administrative Tribunal
Act, 1985).

O.A. No. 284/2001.

Md. Jainul Ali & ors Applicants.

-Vrs-

Union of India & Ors Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS:-

1. Md. Jainul Ali, SDA No.215204
S/o Syed Ali, Resident of Village Septi,
P.S. Rangia, Dist. Kamrup, Assam.
2. Saifuddin Ahmed, SDA No.215155
S/o Late Abdul Ali, resident of Pub-Sahar,
P.S. Rangia, Dist. Kamrup, Assam.
3. Md. Manir Ali, SDA No.215193
S/o Md. Moslim Ali, resident of
Village - Pub Sahar, P.S. Rangia,
Dist. Kamrup, Assam.

At present all are working as regular Safaiwala
Grade-IV employee in the office of the
Administrative Commandant, Station Head Quarter,
Rangia, Kamrup, Assam.

2. PARTICULARS OF THE RESPONDENTS:-

1. The union of India, represented by the
Secretary to the Govt. of India, Ministry of
Defence, New Delhi.

Md. Jainul Ali
Filed by Mr. Perham
through Banchi Seal
27/10/01

2. Additional Director of Staff,
Duties (SDGE) General Staff Branch,
Army Head Quarter, DHC, New Delhi.
3. 51 Sub-Area C/o 99 APO
4. 101 Area Commandant, C/o 99 APO
5. Administrative Commandant, Station H.Q.,
Rangia, Kamrup, Assam.

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE :-

There is no specific order but this application has been made for non fulfilment of demand for appointment of civilian staff in the staff of Administrative Commandant, H.Q. Rangia.

4. JURISDICTION OF THE TRIBUNAL :-

The applicants declare that the subject matter on which the applicant seek redressal is within the jurisdiction of the Hon'ble Tribunal.

5. LIMITATION :-

The applicants further declare that the application is within the limitation as prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE :-

6.1. That your applicants have sought for common relief cause of action being common in their case and hence they have filed a joint application before this Hon'ble Tribunal which may kindly be allowed under Rule 5(4) of the Rules.

6.2. That the applicants are Indian Citizens and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

Rel. Jai Narain Di

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6.3. That your applicants have been working as Conservancy/Safaiwalla since 1982, 1984 and now they have been regularised in their posts as per direction of the Hon'ble Tribunal in response to their OAS No. 265/93, 228/93 and *others* with *7th* effect from the date of their appointments. In fact all the applicants are now regular appointees.

6.4. That your applicant No.1 Jainur Ali who is 28 years of age, has passed HSLC Final Examination in 1990 from Sidhi Nath Vidyamandir High School. He has passed his higher Secondary Final Examination in 1994 from Rangia College.

Annexure-1 is the photocopy of H.S.L.C. passed certificate issued by the Head Master, Sidhinath Vidya Mandir High School.

Annexure-2 is the photocopy of Higher Secondary passed certificate issued by the Principal, Rangia College.

6.5. That the applicant No.1, also passed the English Typing Final Diploma Examination securing the speed of 44 forty four words per minute and was placed in second Division in 1992. He also passed Hindi Biasara Final Examination in 2000 from Assam Rastravasa Brasar Samity, Guwahati.

Annexure-3 is the photocopy of English Type writing passed Certificate issued by the Principal, Institute of Commercial Training, Rangia, Assam.

6.6. That the applicant No.2 Saifuddin Ahmed has passed the H.S.L.C. Final Examination in 1995 from Rangia High Madrassa Securing second Division. He has also passed the Hindi Bisarad Final Examination marksheet of which has been enclosed herewith.

Mel. Fairuz D.

Annexure-4 is the photocopy of High Madrassa passed Certificate issued by the Superintendent, Rangia High Madrassa on 12.2.1975.

Annexure-5 is the photocopy of marksheet secured in Hindi Biasarad Examination.

6.7. That the applicant No.3 Manir Ali, has passed High Madrassa final Examination in 1992 from Rangia High Madrassa in 3rd Division.

Annexure-6 is the photocopy of High Madrassa Final Examination passed Certificate issued by the Principal of Rangia High Madrassa H.S. School.

6.8. That the applicant state that there are 83 civilian employees who are all Grade-IV employees working in the office of the Administrative Commandant in Rangia Head Quarter. It may be stated herein that the applicant also submitted application on 1.8.98 to the Station Commanding Officer, Rangia H.Q. praying for promotion to the post of L.D.A. and having no reply from the Commandant he submitted another application on which praying for transfer to Clerk Grade on 6.7.99 but uptill now the Commandant has not taken any steps.

Annexure-7 & 8 are the said applications submitted by the applicants.

6.9. That there is not a single civilian employee working in H.Q. Rangia and none of the Civilian employee is allowed to enter into the office of the Administrative Commandant and as a result they are not allowed to place their grievances by staff who are all army people. In fact, the civilians are not treated properly by the office. The staff does not allow the civilian employee to place their grievances before the Administrative Commandant. The office staff of the Administrative Commandant has been given all types of harassment to the civilian employees.

6.10. That there are several offices of the Administrative Commandant all over Assam and in all the offices there are civilian employees to maintain coordination with the civilian employees working under the Administrative Commandant but in Rangia H.Q. has not appointed any Civilian employee in the staff from the inception of the office of the Administrative Commandant and as such the civilian employees are in great difficulties.

6.11. That the present staff of the Administrative Commandant even did not allow the civilian employees to be regularised in their services but the employees finding no way out filed cases for their regularisation in their services before this Hon'ble Tribunal and the Hon'ble Tribunal after hearing both sides allowed all the civilian employees to be regularised in their services and now all the civilian employees have been regularised in their services.

6.12. That even after judgment and orders passed by this Hon'ble Tribunal in 1994 for regularisation of their services and thereafter, the office of the

Not Jaimur De

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Administrative Commandant have not taken any steps to open GPF Accounts for which the present applicants and other civilian employees have filed the O.A. No. 229 /2001 praying for issuing direction to the Administrative Commandant to open GPF Accounts of all the regular civilian employees of Rangia H.Q. at an early date as some of the employees are going to be retired within 9/10 years.

6.13. That it is most essential to appoint civilian Clerks, mate or supervisor, Chowkidar and peon in the staff of the Administrative Commandant. It is also stated as many as three clerks should be appointed in the Office of the Administrative Commandant as there are 83 Civilian Grade-IV employees to look into their various problems but unfortunately not a single employee is there in the staff of Rangia H.Q.

6.14. That the applicants are eligible for promotion to the post of Civilian clerks in the office of the Administrative Commandant H.Q. Rangia, They having requisite qualification.

6.15. That the applicants state that in other offices of Administrative Commandant in Assam in various places have civilian employees in the staff but only in Rangia H.Q. there is no civilian clerks, mate, Supervisor, Chowkidar, Peon etc., hence it is a ~~fix~~ case of discrimination to the Civilian employees working under the Administrative Commandant H.Q. Rangia.

7. GROUND FOR RELIEF WITH LEGAL PROVISIONS :-

1. For that civilian employees like Clerk, Supervisor, Mate, Peon, Chowkidar are essential in the office of the Administrative Commandant Rangia Head Quarter.

2. For that in all offices of Administrative Commandant in Assam there are civilian employees in the office staff but only in Rangia H.Q. there is not a single civilian employee and hence it is a case of discrimination to civilian workers working under the Administrative Commandant Rangia H.Q.

3. For that there are provisions for appointment of Civilian employees in the office staff of the Administrative Commandant but the present staff of Administrative Commandant does not like to ^{like approach} be civilian employees ~~are~~ ^{They} in the office staff and ~~that~~ want to harass the civilian workers and never put up proposal to the Administrative Commandant to take up the matter with Higher Authority to appoint civilian employees in the office staff.

4. For that the present office staff is out to harass the civilian employees working under the Administrative Commandant, Rangia Head Quarter.

5. For that the civilian employees are required in the office staff of the Administrative Commandant for smooth functioning of the official works and to maintain coordination between civilian employees and Army employees.

6. For that under Article 309 of the Constitution of India the President framed rules in the name and style called the Formation Headquarters and Station Staff Office Conservancy Staff Recruitment Rules, 1980. The Civilian Employees can be recruited to the Station Head Quarter or in the staff of the Station Staff Office in general staff Branch of the Army Head Quarter under the Ministry of Defence and in this rules the civilian employees particularly these 3(three) applicants are qualified to be appointed as L.D.A. Group-C and others as Peon, Chawkidar, mate etc but the respondents have never taken any steps to appoint the qualified civilian employees of the staff of Administrative Commandant, Rangia Head Quarter and as a result there has been virtually not coordination between Civilian workers and Army Personnel working in the office of the Administrative Commandant, Station Head Quarter, Rangia and hence it is a fit case for giving appropriate direction to the respondents to take urgent steps to appoint civilian employee as per rules as stated above.

7. For that at any rate it is a fit case for giving appropriate direction to the respondents to take urgent steps to appoint civilian employees in the office of the Administrative Commandant, Station Headquarter, Rangia.

8. DETAILS OF REMEDIES EXHAUSTED :-

That the applicants approached the Commandant on several occasions to consider the case of Civilian

Contd.....9

employees in the office of the Station Headquarter, Rangia but no steps was taken by the Administrative Commandant, Station Head Quarter, Rangia. The applicants also submitted representation on the issue of the appointment/promotion of civilian employee and the staff of the Station Headquarter, Rangia had no result.

9. MATTERS NO PREVIOUSLY FILED OR PENDING IN ANY OTHER/TRIBUNAL :-

The applicants declare that no case regarding subject matter of this O.A. is filed or pending before any Court or Tribunal.

10. RELIEF SOUGHT FOR :-

Under the facts and circumstances narrated above the applicants humbly pray before this Hon'ble Tribunal for grant of following reliefs:-

- * i) to direct the respondents to take urgent steps for promotion of civilian employees;
- X ii) to appoint civilian employees under the rules in the office of the Administrative Commandant, Station Headquarter, Rangia;
- ✓ iii) to appoint or promote the applicants who are qualified and eligible for Grade-III post in the office of the Administrative Commandant, Station Headquarter, Rangia.
- X iv) to appoint PEON, Chowkidar, Mate, Supervisor from the other qualified Grade-IV employee;
- X v) Respondents be directed to take steps for appointment of LDA, Peon, Chawkidar, mate, Supervisor etc in the office of the Administrative Commandant, Station Headquarter, Rangia.

11. INTERIM PRAYER IF ANY :-

Pending final disposal of the application it is further prayed that the Administrative Commandant, Station Headquarter, Rangia be directed to appoint atleast one of the present applicant as LDA to maintain coordination between the civilian workers and Army staff in the office of the Administrative Commandant, Station Headquarter at Rangia.

12. PARTICULARS OF THE IPO :-

Date :

Value:

Payable at Guwahati

Name of the Post Office:

13. ENCLOSURES :-

As per Index.

VERIFICATION

I, Md. Jainur Ali, SDA No.215204 Son of
Syed Ali, Resident of Village Septi, P.S. Rangia,
District - Kamrup, Assam, do hereby solemnly affirm
and verify the statements made in paragraphs 1, 2,
3, 4, 5, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 8, 9 are
true to my knowledge and those made in paragraphs 6.1,
6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8 being matters of records
are true to my information derived therefrom and the
rests are my humble submissions made before this Hon'ble
Tribunal and I have not suppressed any material facts
in this case.

And I sign this verification on this 25th
day of July, 2001 at Guwahati.

Md-Jainur Ali

Signature.

Sl. No. 67

NO-215/34/90 Transfer Certificate

For course
 After
 27/11/95
 Senior Medical Officer Health Dept.
 Q.B. Guest Clinic Hospital
 प्रधान निष्क
 Health Minister
 गुनिव दाई भुल
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BANGIA COLLEGE, BANGIA

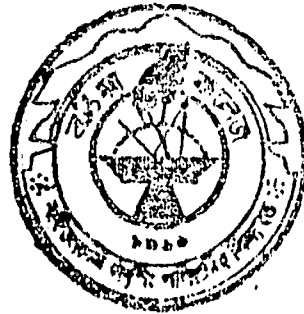
KAMRUP, ASSAM

Book No. —

1

Sl. No. —

66



CERTIFICATE

This is to Certify that Sri/ Mr. Jainur Ali
 Roll 543 No. A-372 has duly passed the Higher
 secondary Arts/Science (Two yr. Course) final examination of the Assam
 Higher Secondary Education Council from this College in 1954 and was
 placed in the 3rd division.

While He/She was a student of this college his/her character and conduct were good.
 I wish him/her all success in life.

Verified & written by

attested
 Basudii Seal
 Advocate

Dated 8 Rangia
 the 11-7-54

Admitted
 Rangia

Execd 4-11-54
 Rangia



car
 Principal
 Rangia College, Rangia

Principal, 1/5
 Rangia College, Rangia

Book No.

Regd. No.—2193 of 1986-1987

Sl. No—708

Institute Of Commercial Training**Rangia : Assam**

ESTD—1983

(Authorised by the Govt. of Assam)

INSTITUTE FINAL DIPLOMA

Certified that Sri/Srimati Md. Jaimur Ali
 Son/Daughter of Sri Md. Sayed Ali has
 Attended in this Institute during the session 1991-92 a full course
 of Training in Eng. Lish. Typewriting [Stenography]. He/She
 Successfully passed the Final Diploma Examination Securing the
 speed of 44 (forty four) words per minute and has been
 placed in 2nd division.

He/She has thoroughly acquired the knowledge of using and
 taking care of various Type writers of different makes and models.

I consider him/her qualified to be a Typist.

Place—Rangia

Date—7-10-92

Attested
 By
 4.11.95

Executive Engineer
 Rangia Electrical Division

Principal
 Institute of Commercial Training
 Rangia : Assam

attested

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Attested by
 Bashari Seal
 Advocate

To

The Station Commanding Officer,
Station Head quarter, Rangia.

Dated the 1-8-98
~~28-5-98~~

Sub :- Prayer for up gradation.

Sir,

Most humbly and respectfully state that I have been serving under your Department since 1995 as a regular IV grade servant. Sir, I have passed the H.S.S.L.C. Examination and have diploma in Typewriting also. As a qualified servant I should get the chance for up gradation in your office. So I request your honour kindly to consider my case and do necessary action for promote me as L.D.A.

I shall remain ever grateful to you for your kindness.

Yours faithfully,

Md. Joinur Ali
(Md. Joinur Ali)

Attested
by
Bashar Ali Seal
Advocate

16
From : SD-215204 Cun(Safai)
MD Jainur Ali
HQ 21 Mtn Div

Annexure - 3(2)

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TO,

The Station Commander
Station Headquater
Rangiya

REQUEST FOR TRANSFER INTO CLERK TRADE

Respected Sir,

1. With due respect, I humbly request the following few lines for your sympathetic consideration and favourable action please.

2. Sir, I Md Jainur Ali enrolled in Con/Safai wef 01 Dec 95 and presently working in HQ 21 Mtn Div with my full dedication and satisfaction to my superior.

3. Sir, My civil education qualification is as under :-

(a) Matric(CI-X) -Passed in 1990 in III division
42%

(b) I.A -Passed in 1996 in III division
35%

4. Sir, being I am educated person, I would like to transfer to clerk trade. May I request you to consider my application and tfr me to clk trade. I sure that I will be able to serve as clerk to entire satisfaction of the officer.

I shall be grateful to you for act of this kindness.

Thanking you,

*Offered by
Bao haoli seal
Advocate.*

Md. Jainur Ali

Yours obedient

Md Jainur Ali

Date:- 6-7-99

(TRUE COPY)

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Annexure - 4

GOVT. AIDED RANGIA HIGH MADRASSAH:

This is to certify that Md. Saifuddin Ahmed, Roll Rangia No. 26 has passed the Assam High Madrassah Final Examination in the year 1975 as Regular candidate and was placed in the Second Division. His age according to his admit card was 16 (Sixteen) years 2 (two) months X days on the 1st of March, 1975. This is according to his Mark-Sheet issued by SEBA.

attested
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Sd/- Illegible.

(Bahar-ud-Din Ahmed, B.A, L.L.B.)

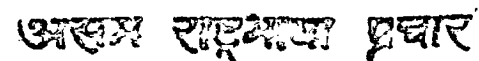
Superintendent,
Rangia High Madrassah,
Rangia, Kamrup.

S.M. Anower, 12/2/75.

attested by
Bashari Seal
Advocate.

पृ. सं. ०००...

2
610 ...



समिति, गुवाहाटी

प्रो-चाइड 37 दिनेन आहमेद क्रम संख्या 1162 केन्द्र 2/31 था को
अप्रैल 1984 की विशारख परीक्षा में निम्नांक मिले।

लिखित परचा				पाँचवाँ परचा (भाषा पत्र) पूर्णांक-100 ऐच्छिक विषयों में 30% के ऊपर के अंक ही विना जायेगा			छठा परचा मौखिक	कुल जोड़	श्रेणी
पहला परचा पूर्णांक-100 उत्तीर्णांक-30	दूसरा परचा पूर्णांक-100 उत्तीर्णांक-30	तीसरा परचा पूर्णांक-100 उत्तीर्णांक-30	चौथा परचा पूर्णांक-100 उत्तीर्णांक-30	असमीया साधारण	असमीया विशेष	बंगला विशेष	पूर्णांक-100 उत्तीर्णांक-40	कुल अंक-500 उत्तीर्णांक-180 (कुल जोड़ में 25% के हिसाब से लिखित (अनिवार्य) परचे में और मौखिक में 40% के हिसाबसे)	विशेष योग्यता-375 पहली श्रेणी-300 दूसरी श्रेणी-250 तीसरी श्रेणी-180
प्राप्तांक 33	प्राप्तांक 36	प्राप्तांक 38	प्राप्तांक 36	प्राप्तांक	प्राप्तांक 17	प्राप्तांक	प्राप्तांक 42	कुल प्राप्तांक 202	तीसरी श्रेणी

Effectuated by
Bashar Ali Sheikh
Advocate मुक्ति करनगंगा

all right 22
JUL 20 99
RECEIVED
FBI NEW YORK
JUL 20 99

मिथान करनेवाला!

परीक्षा सचिव

22

RANGIA HIGH MADRASSA

ESTD--1936

Certified that Sd/Md Md Masum Ali Son/
 daughter of Md Masum Roll 112-51 (RANGIA) No 36
 (Special)
 Has Passed the Rangia High Madrasah Examination as a
 Proprietor/Private/ Governmental Candidate in the year 1932 and
 was placed in the III (3rd) Division. This is according to the
 Serial Sheet No--706 issued by the then Secondary Board of
 Education, Assam, Guwahati.
 This/Has date of Birth was 1-3-74 according to his/her actual age

Attested

Sd/Md
 21-7-92
 Principal

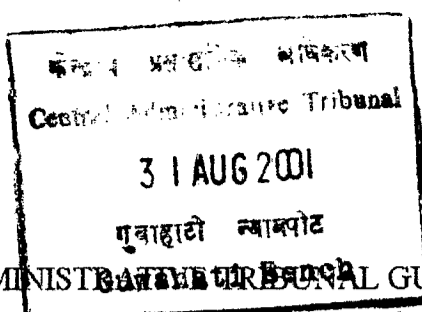
Attested by
 Barkati Seal
 Advocate

Attested by
 Barkati Seal
 Advocate

Syed Masum Ali Ahmed, M.A.B.T
 Superintendent
 Rangia High Madrasah

Sd/Md
 21-7-92

(20)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI
BENCH AT GUWAHATI

In the matter of :-

O.A. No 284/2001

Md Jainur Ali and others.

-VERSUS-

Union of India and others

-AND-

In the Matter of :-

Written statements submitted by the Respondents No 1 to 5

WRITTEN STATEMENTS :-

The humble Respondents submit their written statement as follows :-

1. That I am the Officiating Administrative Commandant, Station Headquarters, Rangiya and Respondent No 5 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statement made in the application may be deemed to have been denied. I am competent and authorized to file the written statement on behalf of all the respondents.
2. That with regard to statements made in paragraphs 1 to 6.1 of the application, the respondents have no comments on them..
3. That with regard to the statements made in paragraph 6.2 of the application, the contention made is agreed to and applicants are availing all entitled privileges & service concessions i.e, daily allowance, house rent, travelling allowance, washing allowance, bonus, summer and winter liveries, increment and other entitled facilities.
4. That with regard to the statements made in paragraph 6.3 and 6.7 of the application, the respondents have no comments on them..

Filed by

31/8/01
(A. DEBROY)
ST. C.

24
C. A. T. Guwahati Bench

5. That with regard to the statement made in paragraph 6.8 of the application, the respondents beg to state that it is incorrect to say that the respondents number 5 has not taken any steps to employment of civil clerk in Station Headquarters Rangiya. There is no vacancy in Station Headquarters Rangiya for lower division clerk. Copy of PE issued by Army Headquarters vide letter number B/05311/Org 1 (PP & Coord) dated 30 Jun 97 is enclosed herewith as per Annexure I. This Headquarters has vacancy for conservancy safaiwalas only. Copy of board proceedings is enclosed as per Annexure II. However all out efforts are being made by Station Headquarters Rangiya for employment of civil clerk, board proceedings and statement of case for authorisation and employment of 2 lower division clerk at Station Headquarters Rangiya was taken up with Higher Headquarters during Sep 1996 copy attached at Annexure III. Higher Headquarters has returned the same and reiterated that the ban has still not been lifted by the Govt of India, Min of defence for creation of new civil posts. Copy enclosed as per Annexure IV.

6. That with regard to the statement made in paragraph 6.9 of the application, the respondents beg to state that it is grossly incorrect to say that none of the civilian employee is allowed to enter into the office of the administrative commandant for their grievances and harassment the civil staff by combat staff of station Headquarters Rangiya. All out efforts are being made by Station Headquarters Rangiya for employment of civil clerk. All civil staff of station Headquarters are permitted to meet the Administrative Commandant every Saturday, "FREE ORDERLY ROOM" board is also hang in front of Office of the Administrative Commandant in English and Assamese language. Suggestion box is also placed near notice board for endorsing the suggestions of civilian staff. Monthly darbar is also held by respondent number 5 on every payment day.

7. That with regard to the statements made in paragraph 6.10 the application, the respondents have no comments on them as all suitable actions have already been taken by respondent's office for for employment of civil clerk.

8.. That with regard to the statements made in paragraph 6.10 the application, the respondents beg to state that it is grossly incorrect to say that the civilian employees be regularized in their services, as all the civilian employees have already been regularized in their services.

9. That with regard to the statement made in paragraph 6.12 of the application, the Respondents beg to state that all out efforts are being made by Station Headquarters Rangiya for early allotment of General Provident Funds Account Numbers. As per procedure the applications for opening of General Provident Fund account are required to be forwarded to Area Account Office, Shillong for vetting in case of all eligible employees. There after the applications are further referred to CDA(A) Guwahati for their scrutiny who in-turn forward it to JCDA (Funds) Meerut which is the competent authority to issue the General Provident Fund Account Number to the individual. In accordance with the above procedure, Applications for admission to the General Provident Fund account were forwarded to the Area Account Office, Shillong on 04 March 97 for 45 applicants. Applications for 13 applicants were forwarded on 06 July 97. Thus a total of 58 applications were forwarded to Area Account Office, Shillong by Station Headquarters Rangiya before July 97. Same applications were then forwarded by Area Account Office, Shillong to JCDA, Meerut duly vetted on 21 January 1999. Applications form in respect of remaining applicants were forwarded to Area Account Office, Shillong on 23 May 2000. 37 Applications have been forwarded to JCDA (Funds) Meerut by Controller Defence Account Office, Guwahati for allotment of General Provident Funds Account Number on 18 July 2000 and 28 July 2000. Remaining 46 Applications out of 83 were forwarded to Controller Defence Account Office, Guwahati by Area Account Office, Shillong on 11 June 2001 for onward submission to JCDA (Funds) Meerut. It is grossly incorrect to state that respondent have not taken any steps to open their General Provident Funds Accounts in respect of applicants //

10. That with regard to the statement made in paragraph 6.13 of the application, the Respondents beg to state that there is no vacancy in Station Headquarters Rangiya for lower division clerk. There is no vacancy for mate or supervisor, Chowkidar and peon in Station Headquarters Rangiya being non cantonment Station, as 83 conservancy safaiwalas are distributed for working in various stations and units within Zone, and there is no need to employ mate, supervisor, Chowkidar and peon at Station Headquarters Rangiya. Copy of PE issued by Army Headquarters vide letter number B/05311/Org 1 (PP & Coord) dated 30 Jun 97 is enclosed herewith as per Annexure I. This Headquarters has vacancy for conservancy safaiwalas only. Copy of board proceedings is enclosed as per Annexure II. However all out efforts are being made by Station Headquarters Rangiya for employment of civil clerk, board proceedings and statement of case for authorisation and employment of 2 lower division clerk at Station Headquarters Rangiya was taken up with Higher Headquarters during Sep 1996 copy attached at Annexure III. Higher Headquarters has returned the same and reiterated that the ban has still not been lifted by the Govt of India, Min of defence for creation of new civil posts. Copy enclosed as per Annexure IV.

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3)

11. That with regard to the statement made in paragraph 6.14 of the application, the Respondents beg to state that there is no vacancy in Station Headquarters Rangiya for lower division clerk. Eligibility for promotion to the post of lower division clerk in the office of the Administrative Commandant Station Headquarters Rangiya will be assessed by the Board of Officers as and when vacancy will be released by Government of India, Ministry of Defence through Army Headquarters.

12. That with regard to the statement made in paragraph 6.15 of the application, the Respondents beg to state that there is no vacancy in Station Headquarters Rangiya for lower division clerk. There is no vacancy for mate or supervisor, Chowkidar and peon in Station Headquarters Rangiya being non cantonment Station, as 83 conservancy safaiwalas are distributed for working in various stations and units within Zone, and no need to employment to mate, supervisor, Chowkidar and peon at Station Headquarters Rangiya.

13. That with regard to the statement made in paragraph 7.1 to 7.7 of the application, the Respondents beg to state that there is no vacancy in Station Headquarters Rangiya for lower division clerk. There is no vacancy for mate or supervisor, Chowkidar and peon in Station Headquarters Rangiya being non cantonment Station, as 83 conservancy safaiwalas are distributed for working in various stations and units within Zone, and there is no need to employ mate, supervisor, Chowkidar and peon at Station Headquarters Rangiya. Copy of PE issued by Army Headquarters vide letter number B/05311/Org 1 (PP & Coord) dated 30 Jun 97 is enclosed herewith as per Annexure I. This Headquarters has vacancy for conservancy safaiwalas only. Copy of board proceedings is enclosed as per Annexure II. However all out efforts are being made by Station Headquarters Rangiya for employment of civil clerk, board proceedings and statement of case for authorisation and employment of 2 lower division clerk at Station Headquarters Rangiya was taken up with Higher Headquarters during Sep 1996 copy attached at Annexure III. Higher Headquarters has returned the same and reiterated that the ban has still not been lifted by the Govt of India, Min of defence for creation of new civil posts. Copy enclosed as per Annexure IV. All civil staff of station Headquarters are permitted to meet with the Administrative Commandant every Saturday, "FREE ORDERLY ROOM" board is also hang in front of Office of the Administrative Commandant in English and Assamese language. Suggestion box is also placed near notice board for endorsing the suggestions of civilian staff, Monthly darbar is also held by respondent number 5 on every payment day. It is incorrect to say that staff of Station Headquarters Rangiya has harassed the civilian employees.

14. That with regard to the statement made in paragraph 8 of the application, the Respondents beg to state that it is incorrect to say that the Station Headquarters Rangiya has not taken any steps for employment of civil clerk in Station Headquarters Rangiya. There is no vacancy in Station Headquarters Rangiya for lower division clerk. Copy of PE issued by Army Headquarters vide letter number B/05311/Org 1 (PP & Coord) dated 30 Jun 97 is enclosed herewith as per Annexure I. This Headquarters has vacancy for conservancy safaiwalas only. Copy of board proceedings is enclosed as per Annexure II. However all out efforts are being made by Station Headquarters Rangiya for employment of civil clerk, board proceedings and statement of case for authorisation and employment of 2 lower division clerk at Station Headquarters Rangiya was taken up with Higher Headquarters during Sep 1996 copy attached at Annexure III. Higher Headquarters has returned the same and reiterated that the ban has still not been lifted by the Govt of India, Min of defence for creation of new civil posts. Copy enclosed as per Annexure IV.

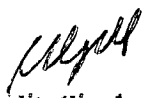
15. That with regard to statements made in paragraphs 9 to 13 of the application, the respondents have no comments on them.

16. That the respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

VERIFICATION

I, Major Charan Jit Singh Gill, 36 years, working as Officiating Administrative Commandant, Rangiya do hereby solemnly declare that the statements made above are true to the best of my knowledge, belief and information and nothing is being suppressed.

I Sign this verification on this 27th day of August 2001 at Rangiya.


(Charan Jit Singh Gill)
Major
Officiating Administrative Commandant
Station Headquarters Rangiya

(25)

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Telephone : 3919794

Upper Sengathan Maha Nideshalaya
 Adjutant General Shakra
 Sena Mukhyalaya
 Addl Dte Gen Hq/Org 1 (PP&Coord)
 Adjutant General's Branch
 Army Headquarters
 369 PG Hq Bldg - 110011

O/05311/Org 1 (PP&Coord)

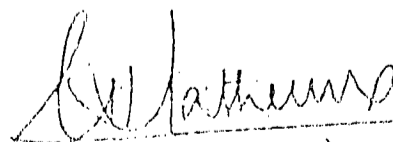
30 Jun 97

Headquarters

Eastern Command (30) incl one copy each for Adm Comdts/SSOs.

ADOPTION OF REVISED PE IV/226/1946/5
FOR COMDTS/SSOs IN EASTERN COMMAND

1. Adm Comdts/SSOs in Eastern Command will adopt revised PE IV/226/1946/5 (copy attached) in accordance with the instructions contained hereunder.
2. Date of Adoption. Of July 1997. Increased, if any, will take effect from the date of issue of this letter.
3. Adjustment of Personnel. Personnel will be adjusted as under :-
 - (a) Officers. Under orders to be issued by PS Branch at this HQ.
 - (b) JCOs/JCs. Under orders to be issued by OIC Records concerned.
 - (c) Civilians. Under existing orders.
4. Ordinance Equipment. Adm Comdts/SSOs in Eastern Command will continue to function on the existing equipment table and adjust their uncontrolled items of ordinance equipment accordingly to conform to their revised establishment. Additional uncontrolled items of equipment, if required, will be despatched from the Command Ordnance Depot and Ammunition Depot concerned in accordance with Paras 50-55 of Equipment Regulations. Surplus equipment, if any will be disposed of in accordance with Paras 128-139 of Equipment Regulations.
5. Completion Report. A completion report will be forwarded to GS Branch (SO-7 and SO-77) at this HQ immediately after adoption of revised PE.
6. Any query with regard to the implementation of the above instra will be referred to this HQ GS Branch (SO-7).
7. This issues with the concurrence of the Ministry of Defence and its Information Liaison Division vide their v.c Nos 827/DO 1/O(GS-I)/97 and 200/GS/97 respectively.
8. This letter will be acknowledged by HQ Eastern Command and Officer-in-Charge Records concerned and the affected Adm Comdts/SSOs.



(George Mathew)
 Civilian Staff Adhikari/CSO
 Upadhyak Adjutant General
 DdAG Org 1 (PP&Coord)
 For Adjutant General

Copy to :-

All concerned.

SO-7 - Notes 1 to 26 on PC to MF No 50832/GS/SO-7 refers.

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3040 (This supersedes
PE IV/226/1946/4)

PE IV/226/1946/5

Effective from : 01 Jul 1997
to : 30 Jun 2002

(05 pages)

ADMINISTRATIVE COMMANDANTS/
STATION STAFF OFFICER IN
EASTERN COMMAND

PEACE ESTABLISHMENT

Officers	22
OR	78
Civilians	135
Total	235
Bicycles	9
Motorcycles	8
Vehicles	14

Details (1)	Offrs (2)	OR (3)	Civ (4)	B/Cy (5)	M/Cy (6)	Vehicle (7)
<u>Barrackpore</u>						
Station Staff Offr (Maj)	1	-	-	-	-	-
Clks GD(SD)ASC/Civs	-	3	-	-	-	-
Messenger	-	-	1	-	-	-
Range Chowkidar	-	-	1	-	-	-
Bicycles	-	-	-	1	-	-
<u>Siliguri</u>						
Station Staff Offr (Maj)	1	-	-	-	-	-
Clerks GD(SD) ASC(a)	-	2	-	-	-	-
<u>Calcutta</u>						
Adm Comdt Class I (Col)	1	-	-	-	-	-
DMO	1	-	-	-	-	-
Clerks (Civ)	-	-	7	-	-	-
Clks GD(SD) ASC(a)/(Civ)	-	2	-	-	-	-
Driver MT ASC	-	3	-	-	-	-
Messenger	-	-	1	-	-	-
Bicycle	-	-	-	2	-	-
Motor Cycle	-	-	-	-	1	-
Jeep/Jonga/Gypsy	-	-	-	-	-	1
1/2.5 Ton GS	-	-	-	-	-	1
<u>Dinjan/Panitola</u>						
Adm Comdt Cl II (Col)	1	-	-	-	-	-
Clk GD(SD)ASC(a)	-	3	-	-	-	-
Driver MT ASC	-	1	-	-	-	-
Messenger	-	-	1	-	-	-
Bicycle	-	-	-	1	-	-
Car 4 Seater GS Saloon	-	-	-	-	-	1
<u>Dumapue</u>						
Adm Comdt Cl II (Lt Col)	1	-	-	-	-	-
Clk GD(SD)ASC(a)	-	3	-	-	-	-
Switchboard Opns (Civ)	-	-	14	-	-	-
Messenger	-	-	1	-	-	-
Bicycles	-	-	-	1	-	-

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- 4 -

DE 17/226/1241/5

(1) (2) (3) (4) (5) (6) (7)

Mauritius							
Clerks (Civilian)		-	-	2	-	-	-
Total		-	-	2	-	-	-

Rangiya							
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
[REDACTED]		-	-	-	-	-	-
Total		-	-	-	-	-	-

Agartala							
Clerks AD 250		-	1	-	-	-	-
Total		-	1	-	-	-	-

Hispano							
Adm Comdt CE (Col)		1	-	-	-	-	-
Clerks AD (AD) (7)		-	3	-	-	-	-
Driver PT 250		-	1	-	-	-	-
Serviceholder operators (Civ)		-	-	3	-	-	-
Office runner (Combatant)		-	1	-	-	-	-
Adm Comdt CE Johnson		-	-	-	-	-	-
Total		1	5	3	-	-	-

Tonga							
Adm Comdt CE 1 (Col)		1	-	-	-	-	-
Clerks AD (AD) 250 (a)		-	3	-	-	-	-
Total		-	3	-	-	-	-

Polynesian							
Adm Comdt CE 1 (Col)		1	-	-	-	-	-
Clerks AD (AD) 250 (a)		-	2	-	-	-	-
Driver PT 250		-	2	-	-	-	-
Office runner (Combatant)		-	1	-	-	-	-
Adm Comdt CE		-	-	-	-	1	-
Adm Comdt CE 250/250		-	-	-	-	-	-
Total		1	5	-	-	1	-

(ii) Weapon and ammunition

	Weapon	Each ammunition	Total ammunition
		Cartridge per weapon	
Machine	9	6	54
Machine	88	32	2816
Machine	2	20	40

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- 5 -

RE IV/225/1946/5

Notes

- (a) Rank according to corps roster.
- (b) Blank
- (c) Blank
- (d) To be loaned for Station Staff Officer duty and replacement in the parent unit not authorised.
- (e) Combatant clerk may be held in lieu if civilian not available.

General Notes

1. Adm Comdts Class 1 may attach one Jeep, Conga from WB Units at the discretion of Station Commander where this transport is not authorised on the RB.
2. In other Station HQs not covered under general Note 1, Adm Comdts/SGOs may attach one HC at the discretion of Station Commander where this transport is not authorised.
3. Station HQ will function as part of Sub Area/Area HQ where these two are located in some stations as per instruction contained in RB 20 and 21.
4. Combatant personnel will be armed as under :-
 - Pistol : Col and above.
 - Carbine machine : Officers Lt Col and below, Clk GD and Dvr MT.
 - Rifles : Remaining personnel.

No. 79816/6/SD 6A dated 27-Mar-97.

(M Damodaran)
 Senior Civilian Staff Adhikari/SCSO
 Arity Up Senadhyaksh/SD 6A
 For Deputy Chief of the Army Staff

RESTRICTED

(29)

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Proceedings of a
Assembled at
On the day of
By the Order of

- : Board of Officers.
- : Station Headquarters, Rangiya
- : 14 May 95
- : Station Commander, Rangiya vide
Station Headquarters, Rangiya
Convening Order No 3004/1/Q(Ind)
dated 13 May 95.

For the purposes of

- : For assessing the total
requirement numbers of
permanent conservancy
safaiwalas to be included in
supplementary Peace Establishment
on Station Headquarters, Rangiya
for formations/units stationed
at Rangiya, Changsari, Tamulpur,
Darranga and Kalakuchi.

Presiding Officer

- : IC-45937X Maj Dharamveer Singh,
351 Coy ASC (Supply) Type 'A'.

Members

1.

- : IC-5309N Lt Vinod S.
21 Mtn Div Sig Regt.

2.

- : IC-52137F 2Lt JS Chauhan,
Det AWT.

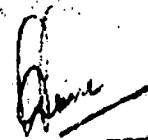
1. The Board having assembled pursuant to order proceeded to assess the total requirement numbers of permanent conservancy safaiwalas to be included in Supplementary Peace Establishment of Station Headquarters, Rangiya for Formations/units stationed at Rangiya, Changsari, Tamulpur, Darranga and Kalakuchi.

2. Station Headquarters, Rangiya is responsible for ensuring and regulation of arrangements for conservancy and sanitation in the above mentioned stations. Details of areas covered by the formations/units located at the above mentioned stations are as follows :-

- (a) Rangiya - 201.554 acres.
- (b) Changsari - 170.939 acres.
- (c) Tamulpur/Kalakuchi - 334.398 acres.
- (d) Darranga - 278.049 acres.

3. Station Headquarters, Rangiya has jurisdiction over the above mentioned areas covering three formation Headquarters, ten major units and nine minor units and the station units in their ILP (Interim Location Plan).

.....2/-

Major 
Presiding Officer

4. Keeping in view of the above, the Board further proceeded to assess the total requirement numbers of permanent Conservancy Safaiwalas to be employed by Station Headquarters, Rangiya. Since, no uniform scales of the employees are laid down, the Board worked out the requirement considering and keeping into account of the following factors :-

- (a) Lay out of temporary family quarters of JCOs/OR.
- (b) Cleaning and maintenance of vast areas outside unit lines and surroundings spread over four/five different locations.
- (c) Types of roads and drains.
- (d) Terrain.
- (e) Removal of rubbish/filth and distance of dumping places.
- (f) Numbers of buildings held on charge of formations/units.
- (g) Utmost need for economy and effective employment of conservancy safaiwalas.

5. The Board further kept in view of the fact that the areas are quite flat and low lying. The general areas being low lying is prone to get water logged around the buildings leading to unhygienic conditions specially during rainy seasons, which creates health hazards to troops. Further, there is no cantonment Board/Municipal Body exists at the above stations for looking after the proper hygienic and sanitation. Hence, the points have also been kept in view while recommending the required numbers of conservancy safaiwalas.

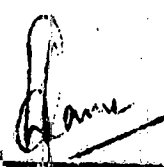
Major 
Presiding Officer

RECOMMENDATIONS OF THE BOARD

6. Keeping in view of all the factors mentioned above, the Station Board of Officers recommends that the Station Headquarters, Rangiya be authorised to employ minimum hundred (100) conservancy safaiwalas on permanent basis and the numbers be included in its Supplementary Peace Establishment (PE).

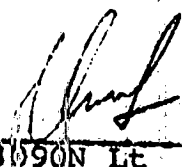
7. Station wise suggested distribution of conservancy safaiwalas are enclosed as Appendix to this Board Proceedings.

Presiding Officer :

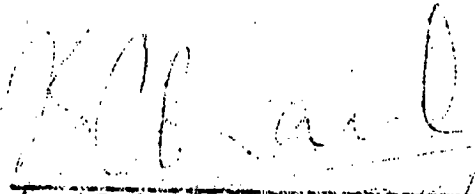

(IC-45937X Major
Dharamveer Singh)

Members

1. :


(IC-53090N Lt
Vinod S)

2. :


(IC-52137F 2Lt
JS Chauhan)

32

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Appendix

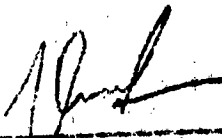
(Refer Paragraph 7 to Board
Proceedings dated ___ May 95).

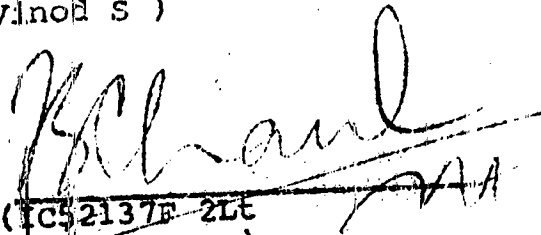
STATION WISE SUGGESTED DISTRIBUTION OF CONSERVANCY
SAPAIWALAS

Ser No	Name of station/ satellite stations	Suggested distribution
1.	<u>RANGIYA</u>	51
2.	CHANGSARI	22
3.	TAMULPUR/DARRANGA/KALAKUCHI	27

Total 100

Presiding Officer : 
(IC-45937X Major
Dharamveer Singh)

Members 1. : 
(IC-53090N Lt
Vinod S)

2. : 
(IC52137E 2Lt
JS Chauhan)

(25)

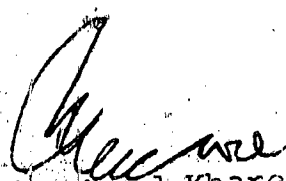
RECOMMENDATIONS OF THE STATION COMMANDER, RANGIYA
ON THE BOARD PROCEEDINGS ASSESSING THE TOTAL
REQUIREMENT NUMBERS OF PERMANENT CONSERVANCY
SAFAIWALES TO BE INCLUDED IN THE SUPPLEMENTARY
PEACE ESTABLISHMENT OF STATION HEADQUARTERS,
RANGIYA FOR FORMATIONS/UNITS STATIONED AT
RANGIYA, CHANGSARI, TAMULPUR, DARRANGA AND
KALAKUCHI

1. I agree with the recommendations of the Board.
2. I strongly recommend that Station Headquarters, Rangiya be authorised to employ 100(Hundred only) Conservancy Safaiwalas on permanent basis and the same Numbers be included in Supplementary Peace Establishment of Station Headquarters, Rangiya.

Station : Rangiya

Dated :

12 May 95


(Richard Khare)
Brigadier
Station Commander

(3W) Annexure - III
Station Mukhya Laya
Station Headquarters
Rangiya-781354

3004/1/Q(Bd)

19 Sep 96

HQ 51 Sub Area (GS)
C/O 99 APO

FWD BOARD PROCEEDINGS FOR AUTHORIZATION
OF CIVILIAN (CLERK) LDC TO STATION HQ
RANGIYA

1. Ref your Sig No 0-3190 dated 13 Aug 96.
2. Seven copies of bd proceedings for authorization of civ (Clk) LDC to station HQ, Rangiya are fwd herewith alongwith the recommendations of Stn Cdr, Rangiya for your further necessary action please.
3. Three copies of Statement of case on the subject returned vide your letter No 2221/R/GS(SD)/PC dt 23 Jun 96 is also resubmitted herewith for your further action.

(JS Tomar)
Col
Adm Comdt
for Stn Cdr

Encls: As above.

Copy to:-

HQ 101 Area (GS) - for info please.
C/O 99APO

SDP/*

10 BR 1

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Annexure - IV 3
Mukhyalaya 101
Headquarters 101
C/O 99 APD

10711/Rangiya/GS(SD)

15 Nov 96

HQ 51 Sub Area (GS)

END OF ED PROCEEDINGS FOR AUTHORIZATION OF
CIV CLK (LDC) TO STN HQ RANGIYA

1. Ref your letter No 2221/R/GS(SD) dated 30 Sep 96.
2. Ed proceedings for auth of Civ clk (LDC) to Stn HQ was fwd to HQ Eastern Comd vide our letter of even No dated 08 Oct 96.
3. HQ Eastern Comd has returned the same and reiterated that the ban has still not been lifted by the govt of India, Min of Def for creation of new civ posts.
4. However, recommendations for auth of one clk (GS/SD) to the establishment of stn HQ Rangiya has been made by HQ amongst others. Statement of case on the above is under review at Army HQ. In this connection your attn is also dt to your HQ letter No 2233/2/GS(SD) dated 13 Jul 95.
5. Encls recd vide your letter under ref is returned for your retention please.

Encls : As above

rdt/-

f2

Y. Akh
(MF Ao)
Lt Col
Staff Offr
for Col GS

3004/CC-284/01

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WY

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

GUWAHATI.
(FORM NO. (9)
(SEE RULE 29)

ORIGINAL APPLICATION
NO. 284/01 / 1937

T. Ali & sons
(Applicant(s))

VERSUS UNION OF INDIA & Ors.
Respondent(s)

Mr. S. Ali
Advocate of the Applicants

Mr. A. Deb Roy
r.c.g.s.c./Addl. T.C.S.I.

T.

The Administrative Commandant,
Station Head Quarters,
Loriga, Kamrup,
Assam.

Whereas an application filed by the abovesaid applicant(s) under section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply alongwith the documents in support thereof and after serving copy of the same on the applicant or his legal practitioner within 30 days of receipt of the notice, before this Tribunal either in person/through legal practitioner /presenting officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further notice.

Issued under my hand and seal of the Tribunal this the day of 1/8/01.

Enclo: Application & order
Dtd 27/7/01

BY ORDER OF THE TRIBUNAL
For DEPUTY REGISTRAR

(See Rule 42)

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

ORDER SHEET

APPLICATION NO. 284 OF 2001 -

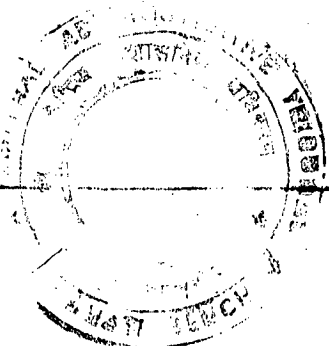
APPLICANT (S) Md. Jamur Ali & ons

RESPONDENT (S) UOI & ons

ADVOCATE FOR APPLICANT(S) Md. S. Ali, Mr. B. Seal, Miss N. K. Karmakar

ADVOCATE FOR RESPONDENT(S) Mr. A. Deb Roy, Mr. Chel

Notes of the Registry	dated	Order of the Tribunal
	27.7.01	<p>We have heard Mr. S. Ali, learned Sr. Counsel for the applicant, the application is admitted, call for the records, list on 31.8.2001 for order.</p>



TRUE COPY
प्रतिलिपि

Sd/VICE CHAIRMAN
Sd/MEMBER (J)

1/8/01
Section Officer (J)
Central Administrative Tribunal
Guwahati Bench, Guwahati-7
গুৱাহাটী-৭

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUJARATI BENCH
AT GUJARATI.

O.A. NO. 284 /2001.

Ms. Jaipur Ali & 2 Ors.

.... Applicants.

-Vrs-

Union of India & Ors.

.... Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>PAGES</u>
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5	Annexure-4	
6	Annexure-5	
7	Annexure-6	
8	Annexure-7	
10	Annexure-8	

Filed by:-

Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI
BENCH AT GUWAHATI.

(An application under section 19 of
the Central Administrative Tribunal
Act, 1985).

O.A. No. _____/2001.

Md. Jainul Ali & ors Applicants.

-Vr:-

Union of India & Ors Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS:-

1. Md. Jainul Ali, SDA No.215204

S/o Syed Ali, Resident of Village Smtl,

P.S. Rangia, Dist. Kamrup, Assam.

2. Saifuodin Ahmed, SDA No.215155

S/o Late Abdul Ali, resident of Pub-Sahar.

P.S. Rangia, Dist. Kamrup, Assam.

3. Md. Manir Ali, SDA No.215193

S/o Md. Moslin Ali, resident of

Village - Pub Sahar, P.S. Rangia,

Dist. Kamrup, Assam.

At present all are working as regular Safaiwala
Grade-IV employee in the office of the
Administrative Commandant, Station Head Quarter,
Rangia, Kamrup, Assam.

2. PARTICULARS OF THE RESPONDENTS:-

1. The Union of India, represented by the

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

Contd.....2

Contd.....4

2. Additional Director of Staff,
Duties (SDGE) General Staff Branch,
Army Head Quarter, DHC, New Delhi.
3. 51 Sub-Area C/o 99 APO
4. 101 Area Commandant, C/o 99 APO
5. Administrative Commandant, Station H.Q.,
Rangia, Karup, Assam.

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE :-

There is no specific order but this application has been made

4. JURISDICTION OF THE TRIBUNAL :-

The applicants declare that the subject matter on which the applicant seek redressal is within the jurisdiction of the Hon'ble Tribunal.

5. LIMITATION :-

The applicants further declare that the application is within the limitation as prescribed under section 21 of the Central Administrative Tribunal Act, 1949

6. FACTS OF THE CASE :-

6.1. That your applicants have sought for some relief cause of action being common in their case and hence they have filed a joint application before this Hon'ble Tribunal which may kindly be allowed under Rule 5(4) of the Rules.

6.2. That the applicants are Indian Citizens and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

Contd.....

6.3. That your applicants have been working as Conservancy/Safaiwallas since 1982, 1984 and now they have been regularised in their posts as per direction of the Hon'ble Tribunal in response to their OAS No. with effect from the date of their appointments. In fact all the applicants are now regular appointees.

6.4. That your applicant No.1 Jainur Ali who is 29 years of age, has passed HSLC Final Examination in 1990 from Sidhi Nath Vidyamandir High School. He has passed his Higher Secondary Final Examination in 1994 from Rangia College.

Annexure-1 is the photocopy of H.S.L.C. passed certificate issued by the Head Master, Sidhinath Vidyamandir High School.

Annexure-2 is the photocopy of Higher Secondary passed certificate issued by the Principal, Rangia College.

6.5. That the applicant No.1, also passed the English Typing Final Diploma Examination securing the speed of 44 forty four words per minute and was placed in second Division in 1992. He also passed Hindi Bhasarao Final Examination in 2000 from Assam Bhasarao Bhaskar Samity, Guwahati.

Annexure-3 is the photocopy of English Type writing passed Certificate issued by the Principal, Institute of Commercial Training, Rangia, Assam.

6.6. That the applicant No.2 Saifuddin Ahmed has passed the H.S.C. Final Examination in 1995 from Rangia High Madrasa securing second Division. He has also passed the Hindi Bissarad Final Examination marksheet of which has been enclosed herewith.

Annexure-4 is the photocopy of High Madrasa passed Certificate issued by the Superintendent, Rangia High Madrasa on 12.2.1975.

Annexure-5 is the photocopy of marksheet secured in Hindi Bissarad Examination.

6.7. That the applicant No.3 Manir Ali, has passed High Madrasa Final Examination in 1992 from Rangia High Madrasa in 3rd Division.

Annexure-6 is the photocopy of High Madrasa Final Examination passed Certificate issued by the Principal of Rangia High Madrasa H.S. School.

6.8. That the applicant state that there are 83 civilian employees who are all Grade-IV employees working in the office of the Administrative Commandant in Rangia Head Quarter. It may be stated herein that the applicant also submitted application on 1.8.98 to the Station Commanding Officer, Rangia H.Q. praying for promotion to the post of L.D.A. and having no reply from the Commandant he submitted another application on which praying for transfer to Clerk Grade on 6.7.99 but uptill now the Commandant has not taken any steps.

Annexure-7 & 8 are the said applications submitted by the applicants.

6.9. That there is not a single civilian employee working in H.O. Rangia and none of the Civilian employee is allowed to enter into the office of the Administrative Commandant and as a result they are not allowed to place their grievances by staff who are all army people. In fact, the civilians are not treated properly by the office. The staff does not allow the civilian employee to place their grievances before the Administrative Commandant. The office staff of the Administrative Commandant has been given all types of harassment to the civilian employees.

6.10. That there are several offices of the Administrative Commandant all over Assam and in all the offices there are civilian employees to maintain coordination with the civilian employees working under the Administrative Commandant but in Rangia H.O. has not appointed any Civilian employee in the staff from the inception of the office of the Administrative Commandant and as such the civilian employees are in great difficulties.

6.11. That the present staff of the Administrative Commandant even did not allow the civilian employees to be regularised in their services but the employees finding no way out filed cases for their regularisation in their services before this Hon'ble Tribunal and the Hon'ble Tribunal after hearing both sides allowed all the civilian employees to be regularised in their services and now all the civilian employees have been regularised in their services.

6.12. That even after judgment and order passed by this Hon'ble Tribunal in 1974 for regularisation of their services and thereafter, the office of the

(44)

Administrative Commandant have not taken any steps to open GPF Accounts for which the present applicants and other civilian employees have filed the O.A. No. /2001 praying for issuing direction to the Administrative Commandant to open GPF Accounts of all the regular civilian employees of Rangia H.Q. at an early date as some of the employees are going to be retired within 9/10 years.

6.13. That it is most essential to appoint civilian Clerks, mate or supervisor, Chowkidar and peon in the staff of the Administrative Commandant. It is also stated as many as three clerks should be appointed in the Office of the Administrative Commandant as there are 83 Civilian Grade-IV employees to look into their various problems but unfortunately not a single employee is there in the staff of Rangia H.Q.

6.14. That the applicants are eligible for promotion to the post of Civilian clerks in the office of the Administrative Commandant H.Q. Rangia. They having requisite qualification.

6.15. That the applicants state that in other offices of Administrative Commandant in Assam in various places have civilian employees in the staff but only in Rangia H.Q. there is no civilian clerks, mate, Supervisor, Chowkidar, Peon etc., hence it is a fit case for discrimination to the Civilian employees working under the Administrative Commandant H.Q. Rangia.

7. GROUND FOR RELIEF WITH LEGAL PROVISIONS :-

1. For that civilian employees like Clerk, Supervisor, Mate, Peon, Chowkidar are essential in the office of the Administrative Commandant Rangia Head Quarter.

2. For that in all offices of Administrative Commandant in Assam there are civilian employees in the office staff but only in Rangia H.Q. there is not a single civilian employee and hence it is a case of discrimination to civilian workers working under the Administrative Commandant Rangia H.Q.

3. For that there are provisions for appointment of Civilian employees in the office staff of the Administrative Commandant but the present staff of Administrative Commandant does not like to be civilian employees ~~in~~ in the office staff and that want to harass the civilian workers and never put up proposal to the Administrative Commandant to take up the matter with Higher Authority to appoint civilian employees in the office staff.

4. For that the present office staff is out to harass the civilian employees working under the Administrative Commandant, Rangia Head Quarter.

5. For that the civilian employees are required in the office staff of the Administrative Commandant for smooth functioning of the official works and to maintain coordination between civilian employees and Army employees.

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6. For that under Article 309 of the Constitution of India the President framed rules in the name and style called the Formation Headquarters and Station Staff Office Conservancy Staff Recruitment Rules, 1980. The Civilian Employees can be recruited to the Station Head Quarter or in the staff of the Station Staff Office in general staff Branch of the Army Head Quarter under the Ministry of Defence and in this rules the civilian employees particularly these 3(three) applicants are qualified to be appointed as L.D.A. Group-C and others as Peon, Chawkidar, mate etc but the respondents have never taken any steps to appoint the qualified civilian employees of the staff of Administrative Commandant, Rangia Head Quarter and as a result there has been virtually not coordination between Civilian workers and Army Personnel working in the office of the Administrative Commandant, Station Head Quarter, Rangia and hence it is a fit case for giving appropriate direction to the respondents to take urgent steps to appoint civilian employees as per rules as stated above.

7. For that at any rate it is a fit case for giving appropriate direction to the respondents to take urgent steps to appoint civilian employees in the office of the Administrative Commandant, Station Headquarter, Rangia.

8. DETAILS OF REMEDIES EXHAUSTED :-

That the applicants approached the Commandant on several occasions to consider the case of Civilian

Contd.....9

employees in the office of the Station Headquarter, Rangia but no steps was taken by the Administrative Commandant, Station Head Quarter, Rangia. The applicants also submitted representation on the issue of the appointment/promotion of civilian employee and the staff of the Station Headquarter, Rangia had no result.

9. MATTERS NO PREVIOUSLY FILED OR PENDING IN ANY OTHER/TRIBUNAL :-

The applicants declare that no case regarding subject matter of this O.A. is filed or pending before any Court or Tribunal.

10. RELIEF SOUGHT FOR :-

Under the facts and circumstances narrated above the applicants humbly pray before this Hon'ble Tribunal for grant of following reliefs:-

- i) to direct the respondents to take urgent steps for promotion of civilian employees;
- ii) to appoint civilian employees under the rules in the office of the Administrative Commandant, Station Headquarter, Rangia;
- iii) to appoint or promote the applicants who are qualified and eligible for Grade-III post in the office of the Administrative Commandant, Station Headquarter, Rangia.
- iv) to appoint PEON, Chowkidar, Mate, Supervisor from the other qualified Grade-IV employees;
- v) Respondents be directed to take steps for appointment of LWA, Peon, Chowkidar, mate, Supervisor etc in the office of the Administrative Commandant, Station Headquarter, Rangia.

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11. INTERIM PRAYER IF ANY :-

Pending final disposal of the application it is further prayed that the Administrative Commandant, Station Headquarter, Rangia be directed to appoint atleast one of the present applicant as LDA to maintain coordination between the civilian workers and Army staff in the office of the Administrative Commandant, Station Headquarter at Rangia.

12. PARTICULARS OF THE IPO :-

Date :

Value:

Payable at Guwahati.

Name of the Post Office:

13. ENCLOSURES :-

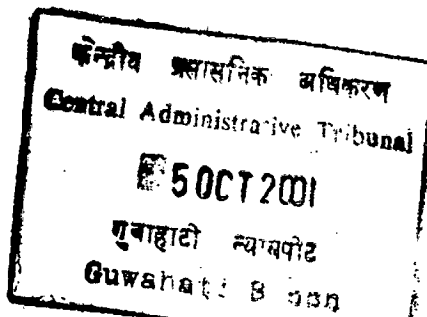
As per Index.

VERIFICATION

I, Mr. Jaihar Ali, SDA No.215204 Son of
Syed Ali, Resident of Village Septi, P.S. Rangia,
District - Kargur, Assam, do hereby solemnly affirm
and verify the statements made in paragraphs 1, 2,
3, 4, 5, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 8, 9 are
true to my knowledge and those made in paragraphs 6.1,
6.2, 6.3, 6.4, 6.6, 6.7, 6.8. Being matters of records
are true to my information derived therefrom and the
facts are my humble submissions made before this Hon'ble
Tribunal and I have not suppressed any material facts
in this case.

And I sign this verification on this 28th
day of July, 2001 at Guwahati.

Signature.



(50)

Filed by Mr. S. B. Boro
Petitioner through
Me.
Boro's Seal
Advocate
4/10/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI.

O.A. No.284/2001

Md. Jainur Ali & Ors Applicants

-VRS-

Union of India, & Ors Respondents.

IN THE MATTER OF :-

Rejoinder submitted by the
applicants in reply to written
statement submitted by the
Respondents in O.A. No.284/2001.

The humble applicants submit their rejoinder
as follows:-

1. That with regard to the statements made in paragraphs 1, 2, 3, 4 of the written statements the applicants have no comments.
2. That with regard to statements made in paragraph 5 of the written statements the Respondents have categorically stated that "However all out efforts are being made by the Station Head Quarters, Rangia for employment of Civil Clerk and employment of 2 lower Division Clerk at Station Head Quarter at Rangia Division was taken up with Higher Head Quarter in 1996". So the Hon'ble Tribunal may direct the Respondents to take steps to ^{appoint} two civilian Clerk.
See
3. That with regard to the statements made in paragraph 6, the applicants disputed the same and reiterate the statements made by the applicants in O.A.

Contd.....2

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- 2 -

4. That with regard to the statements made in paragraph 6 of the written statement, the applicants have no comments.

5. That with regard to the statements made in paragraph 8 of the written statements, the applicants state that the same is not correct, they have regularised the services of the employees only after directions given by the Hon'ble Tribunal in several O.As filed by the employees who had to spend lot of money for the same.

6. That with regard to the statements made in paragraph 9 of the written statements, the applicant state that the respondents are negligent and reluctant to open the GPF Fund accounts of the applicants because most of the applicants were to be furnished with the GPF numbers in 1994 as per direction of the Hon'ble Tribunal given in 1994, but the respondents have taken steps in 1997 that is after 3 years from the date of order and direction given by the Hon'ble Tribunal. But due to the negligence of the Respondents some have not yet been done, so the applicants have to file the O.A. No. 229/2001 for ^{the} said. *Clear*

not. Fairure Du.

7. That with regard to the statements made in paragraphs 10, 11, 12, 13 & 14 of the written statement, the applicants state that the Respondents have already stated the same in earlier paragraphs but due to lack of interests, no civilian clerks have yet been able to appoint by the Head Quarter, Rangia.

8. That with regard to the statements made in paragraph 15 of the written statements, the applicants state that they have no comments.

9. That with regard to the statements made in paragraph 16 of the written statements, the applicants beg to state that the submission made in this paragraph is contradictory to earlier statements made in paragraphs 5 and 6 of the written statements and this shows that the Respondents have malafide intention to deprive the deserving employees to be appointed as Civilian Clerk.

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

I, Md. Jainur Ali SDA No.215204 Son of Sayed Ali, resident of Village Septi, P.S. Rangia in the district of Kamrup, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 3, 4, 5, 8 are true to my knowledge and those made in paragraphs 2, 6, 7, 9 being matters of records are true to my information and the rests are my humble submissions made before this Hon'ble Tribunal and I have not suppressed any materials facts in the case.

And I sign this verification on this the 4th day of October, 2001 at Guwahati.

Md. Jainur Ali
Signature.