

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 306/2001

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

APPLICATION NO. 304 OF 2001

APPLICANT (S) Sri purnam ch. Khaklari & ORS

RESPONDENT (S) U.O.I & ORS.

ADVOCATE FOR APPLICANT(S) Mr. A. Ahmed

ADVOCATE FOR RESPONDENT(S) Mrs. A. Deb Roy, 98,
CGSC.

Notes of the Registry

dated

Order of the Tribunal

9.9.01

Heard Mr. A. Ahmed, learned counsel for the applicant.

The application is admitted. Call for the records.

Issue notice to show cause as to why the interim order as prayed for shall not be granted. Returnable by 4 weeks.

List on 10/9/01 for further order.

Member

Vice-Chairman

mb
10.9.01

List on 9/10/01 to enable the respondents to file written statement.

Member

Vice-Chairman

mb
9.10.01

List on 15/11/01 to enable the respondents to file reply in writing.

Member

Vice-Chairman

mb

Requisite 3 copies
has been filed.

By
9.8.01

Notice prepared and sent to
D/S for trans. the respondent
No. 153 by Regd. A.D. vide
D/O No. 24/11/01. Ad.

Service report was sent
to respondent.

γ

No written statement
has been filed.

$\frac{2.0}{8.10-41}$

Vice-Chairman

mb

Written statement has been filed.
The case may now be listed for hearing.
The applicant may file rejoinder, if any,
within 2 weeks from today.

List on 28.1.2002 for hearing.

Vice-Chairman

١٥

28.1.2002

Heard counsel for the ~~United States~~.
Judgement delivered in open Court, kept
in separate sheets. The application is
dismissed in terms of the order. No
order as to costs.

Vice-Chairman

bb

10. 12-2-00

W/c Submitted
- Responses.

12

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original letter, and is signed by Abraham Lincoln.

25.10.1

79. 2. 1. 1.

1. 1000 ft. to 1500 ft.
 2. 1500 ft. to 2000 ft.
 3. 2000 ft. to 2500 ft.
 4. 2500 ft. to 3000 ft.
 5. 3000 ft. to 3500 ft.
 6. 3500 ft. to 4000 ft.

7. 10. 1941

5/15/21

20. 3. 2022

Order paid in
M.P. No. 39/2002 &
Complied with.

155

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 304 of 2001.

Date of Decision 28.1.2002

Sri Punam Chandra Khaklari & 16 Others.

Petitioner

Mr. A. Ahmed

Versus-

Advocate for
Petitioner(s)

U.D.I. & 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 Bench

Judgment delivered by Hon'ble : Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.304 of 2001.

Date of Order : This the 28th Day of January,

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

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

1. Sri Punam Chandra Khaklari
S/o Lt. Kameswar Khaklari
Vill :- Chapaidang
P.O: Narengi, Guwahati-26.
2. Sri Bijoy Lalung
S/o : L Kalu Ram
Vill : Bonda
P.O: Dadara, Assam.
3. Sri Parameswar Boro
S/o: L.B.Boro
Vill: Chapidong (Bonda)
P.O: Narengi
Guwahati-781026.
4. Sri Romen Das
C/o L Saru Das
Vill : Dadara
P.O:Dadara, Kamrup, Assam.
5. Sri Robin Nath
S/o Sri Bipin Nath
Vill : Bordai Pahiya
P.O: Baihata, Kamalpur
Assam.
6. Sri Rakesh Barman
S/o Gajendra Barman
Vill:Belsor, Ozapara
Dist: Nalbari, Assam.
7. Sri Naresh pantati
S/o L. Dhananjay Pantati
Vill: Amsing Jorabat
P.O: Satgaon, Guwahati-27.
8. Sri Ashok Ravi
S/o Late D.C.Rai
Vill: Patharquary
Udayan Vihar
PIN: 781071.
9. Sri Suresh Thakuria
S/o B.Thakuria
Patacharkuchi
P.O. & Vill: Barpeta
Barnalikuchi (Balatany)
10. Sri Mohan Das
S/o Jadu Ram Das
Vill: Kaithalkuchi
Nalbari, Assam.

11. Sri Bihu Ram Boro
S/o Mahendra Ram Boro
Vill: Chapaidong
P.O: Bonda
Guwahati-27.
12. Sri Dhruba Prasad
S/o L. Bhubaneswar Prasad
Vill: -Amshing Jorabat
P.O: Satgaon
Guwahati-27.
13. Dasharath Pantati
S/o B. Pantati
Vill: Amshing Jorabat
P.O: Satgaon, Guwahati-27.
14. Sri Pramod Roy
S/o Hardeo Roy
151 Base Hospital
Basistha, Guwahati-28.
15. Sri Nanda Ram Das
S/o Chaya Ram Das
Vill: Dodara
P.O: Dodara, Kamrup.
16. Sri Milan Chandra Boro
S/o Late Kali Ram Boro
Vill: Chapaidong
P.O: Bonda
Guwahati-26.
17. Sri Dipen Deka
S/o Ramen Deka
Narengi Tiniali
Guwahati-26.

By Advocate Mr. Adil 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
Ordinance Service, Master
General of Ordinance Branch
Army Head Quarters
P.O: DHQ
New Delhi-110 011.
3. The Commandant, 222 ABOD
Narengi Camp
C/O 99 APO.

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

. . . Applicants.

. . . Respondents.

ORDER

CHOWDHURY J.(V.C.) :

The respondent authority released six (86) vacancies of Mazdoors, apart from various other categories for recruitment in in 222 ABOD. The tests for recruitment of 31 of Mazdoors were conducted on 25-26 July, 2001. A 17 applicants were called for the test for recruitment for the first part. For that purpose the test was conducted in the Narengi Cantonment. In this proceeding the applicants averred and contended that they participated in the selection process, but in a most illegal fashion they were excluded from the selection process. Hence this application.

2. The applicants asserted that they reported to the Office of the respondent No.3 on 26th July, 2001 for interview and test. The respondent No.3 took all the applicants alongwith other candidates for the post of Mazdoor for physical test. They were asked to board in a military truck for appearing at the physical test site. Over one hundred candidates were heaped and stacked in one military truck which eventually met with an accident and about 25 candidates alongwith the applicants were thrown overboard and the applicants and some other candidates were seriously injured. The applicants were taken to the military investigation room for first-aid and held up there and therefore they could not complete the interview and physical test for which the respondent No.3 was responsible.

Contd.. 4

3. The respondents submitted its written statement denying and disputing the claim of the applicants. It was stated that the tests were conducted in the Narengi Cantonment in full public view by a board of officers constituted by Commandant 222 ABOD with an independent observer member detailed by HQ 51 Sub Area. The competitive physical standards of candidates were assessed by physical tests which included a 2.4 k. of passing/ which was mandatory. All the sev applicants failed in the 2.4. k.m. run and therefore they were disqualified for participating in the remaining tests. A medical test headed by Regimental Medical Officer Major Jayanta Borah and an ambulance were^{put} standby for first aid and for evacuation of Base Hospital if required. There was no case of injury to any candidates during the conduct of the tests or immediately prior to that. None of the applicants reported their injury, if actually so sustained, to the presiding Officer or to any member conducting the test, nor did the applicants stated as to why such a complaint was not made to any authority involved in conduct of test. It was also stated that no Army vehicle was used to carry the candidates within Narengi Cantonment. The respondents contended that no ^{Army} vehicle did meet with any accident as ^{alleged} ~~accused~~ and therefore there was no occasion for any injury thereof to persons.

Contd.. 5

4. We have heard Mr.A.Ahmed, learned counsel for the applicants at length and also Mr.A.Deb Roy learned Sr.C.G.S.C. for the respondents. The materials on record did not establish any impropriety in holding the test. The allegation on the respondents by the applicants as to the accident is not acceptable on its face value in the absence of any other materials on record. The materials on record also indicates that the selection process was conducted on the basis of merit. In the circumstances, we do not find any merit in this application.

5. Mr.A.Ahmed, learned counsel for the applicants contended that in view of the dismissal of this application the respondents may not consider the case of the applicants for appointment in future. We overrule the apprehension of Mr.Ahmed. Since the respondents are the instrumentality of the State and like any private individual they cannot afford to act with arbitrariness. The Indian Army is known for its fairness. If in future the applicants place their applications, their case will also be considered alongwith other candidates as per law.

Subject to the observations made above application stands dismissed.

There shall, however be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


D.N.CHOWDHURY
VICE CHAIRMAN

10
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAYATI BOP P, DEWATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1925)

ORIGINAL APPLICATION NO. 304 OF 2001.

Oni Panam Chandra ... NO.
ES/ NO. Applicants

Veritas

cc/Authorised

..50/ 791

12. Has the Union of India ... YES/ NO

13. Has the input

... Respondent YES/ NO

annexur

the index of

AP-122

... N.

... toll

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131020

Notes

Any other points:

... of the said

Filed

... dated

ADIC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 304 OF 2001.

B E T W E E N

1] Sri Puram Chandra Khaklari,
S/o Lt. Kameswar Khaklari,
VIII-Chapaidang,
P.O.-Narengi, Guwahati-26.

2] Mr. X Lalung,

number of (in)

31.

has been filed

for the right for

1. for the right for

2. for the interim relief

3. for the condonation of delay

4. for the stay of the order

5. for the costs of the proceedings

6. for the interest on the money

7. for the compensation for the loss of the property

8. for the compensation for the loss of the income

9. for the compensation for the loss of the reputation

10. for the compensation for the loss of the honor

11. for the compensation for the loss of the dignity

12. for the compensation for the loss of the respect

13. for the compensation for the loss of the authority

14. for the compensation for the loss of the power

15. for the compensation for the loss of the influence

16. for the compensation for the loss of the credit

17. for the compensation for the loss of the confidence

18. for the compensation for the loss of the esteem

19. for the compensation for the loss of the reverence

20. for the compensation for the loss of the veneration

21. for the compensation for the loss of the respectability

22. for the compensation for the loss of the honorability

23. for the compensation for the loss of the dignity

24. for the compensation for the loss of the respect

25. for the compensation for the loss of the authority

26. for the compensation for the loss of the power

27. for the compensation for the loss of the influence

28. for the compensation for the loss of the credit

29. for the compensation for the loss of the confidence

30. for the compensation for the loss of the esteem

4] Sri Romen Das
C/o L Saru Das,
VIII-Dadara,
P.O.-Dadara, Kamrup, Assam.

5] Sri Robin Nath,
S/o Sri Bipin Nath
VIII-Bordai Pahiya,
P.O.-Baihata, Kamalpur,
Assam.

Filed by
Sri Puram Chandra Khaklari
applicant
H. J. (Adv. NATH)

- 6] Sri Rakesh Barman
S/o Gajendra Barman
Vill-Belsor, Ozapara,
Dist-Nalbari, Assam.
- 7] Sri Naresh Pantati
S/o L Dhananjay Pantati,
Vill-Amsing Jorabat,
P.O.-Satgaon, Guwahati-2
- 8] Sri Ashok Ravi
S/o Late D C Rai,
Vill- Patharquary,
Udayan Vihar,
PIN-781071.
- 9] Sri Suren Thakuria
S/o B. Thakuria
Patharkuchi,
P.O. & Vill- Barpeta,
Barnalikuhi (Balatany)
- 10] Sri Mohan Das
S/o Jadu Ram Das
Vill-Kaithalkuchi,
Nalbari, Assam.
- 11] Sri Bihu Ram Boro
S/o Mohendra Ram Boro
Vill- Chapaidong,
P.O.- Bonda,
Guwahati-26.
- 12] Sri Dhurba Prasad
S/o L Bhubaneswar Prasad
Vill- Amshing Jorabat,
P.O.-Satgaon,
Guwahati-27.
- 13] Dasharath Pantati
S/o B Pantati

Vill- Amsigh Jorabat
P O Satgaon, Guwahati-27.

14] Sri Pramod Roy
S/o Hardeo Roy
151 Base Hospital,
Basistha, Guwahati-28.

15] Sri Nanda Ram Das,
Son of Chaya Ram Das,
Vill- Dodara;
P.O.- Dodara, Kamrup.

16] Sri Milan Chandra Boro,
S/o Late Kali Ram Boro,
Vill-Chapaidang,
P.O.-Bonda,
Guwahati-26.

17] Sri Dipen Deka,
son of Ramen Deka,
Narengi Tiniali,
Guwahati-26.

-Versus-

1. The Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Defence,
New Delhi.
2. The Director General,
Ordinance Service, Master
General of Ordinance Branch,

4
Army Head Quarters,
P.O.- DHQ,
New Delhi-110011.

3. The Commandant, 222 ABOD,
Morengi Camp, C/o 99 APD.

- Respondents.

DETAILS OF THE APPLICATION:

- 1) PARTICULARS OF THE ORDER AGAINST
WHICH THE APPLICATION IS MADE:

This application is made for not
allowing the applicants to complete interview
and selection process for the post of Matron
by the Respondent No. 3 and also a prayer
a direction from this Hon'ble Tribunal
allow the applicants to appear a fresh
interview and selection process for the above
said post.

- 2) JURISDICTION OF THE TRIBUNAL

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

- 3) LIMITATION

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

Pkmm

4) FACTS OF THE CASE :

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

4.2 That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4 (5)(a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.3 That your applicants beg to state that the Respondent No. 3 vide his letter No. 1033/RECT/ 107/87 dated 11.11.2001 called for interview in the office of Mazdoor, the date of test and in 2001.

Annexure A to 6 are some of the photocopies of interview by Respondent No. 3.

That your applicants beg to state that on 26.06.2001 the applicant reported to the office of the Respondent No. 3 for interview and test etc. for the post of Mazdoor. The Respondent No. 3 took all the applicants along with other candidates for post of Mazdoor for physical test. The applicants

pk/m

were asked to board in a Military Truck for appearing at the physical test site. It may be worth to mention here that the said military truck was actually goods carrying truck in a bad condition. It is regretful to mention here that more than hundred candidates were loaded in the said military truck and the candidates were bullied by the military personals on duty. They treated the applicants alongwith other candidates like animals which were generally taken to a slaughter house by butcher. Unfortunately, the said truck meet an accident alongwith the applicant the truck and the applicant seriously injured taken to the Military Hospital. The applicant's death. The applicant's death. The Military Investigator complete the investigation to negligence. Although, all the applicants are fit and also in the position to pass the tests and given for the post Mazdoor.

4.5 That your applicants beg to state that as per Military Rule no civilians generally allowed to travel in a Military Vehicle. But the Respondent No. 3 violated the provision and allowed the civilian persons to travel in a Military Vehicle which is in a bad condition.

Phm

4.7 That the Government has decided that they will not accept any candidates who have been in the past for membership of the Government or the Provisional

Applicants for the position of
 ... part ...
 ... isolated ...
 ...

PKA

4.10 That your applicants beg to state that the action of the Respondents is illegal, mala fide, arbitrary and also violative of administrative fair-play.

4.11 That your applicants submit that the Hon'ble Tribunal may be pleased to give protection to the applicants by giving direction to the Respondents not to appoint any person in the post of Mazdoor till the applicants are allowed to complete the entire interview process.

4.12 That this application is filed bona fide for the ends of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.12 For that on all reason and facts which are narrated above the action of the Respondents is prima facie illegal and without jurisdiction.

5.27 For that the action of the Respondents are mala fide and illegal and with a motive behind. As such, the action of the respondents is illegal, arbitrary and also violative of the natural justice.

5.31 For that fresh recruitment of Mazdoor in suppression of the claim of the

The applicants further declares that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

81 RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Hon'ble may be pleased to admit this petition for records and hearing and may be directed to the Tribunal to hold a interview and physical test for applicants.

the application.

PRIM ORDER PRAYED FOR:

pending final decision of this Hon'ble the applicants seek issue of the interim order:

9.1

That the Respondents may be directed not to appoint any candidate to the post of Mazdoor as per their interview dated 26th July 2001 and also to take early steps for fresh interview and physical to the applicants.

10.1

THIS APPLICATION IS FILED THROUGH ADVOCATE.

11.1

PARTICULARS OF T.P.O.

I.P.O.

SG791243

-Verification.

Pam

Annexure-A



File No : 6954

REGISTERED BY POST

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

1993/11/1 / Civ Est

07 Jul 2001

Sri. Biyoy Lalung

S/o K. Lalung

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER

Name Sri. B. Lalung

Roll No. 11111111

1. Ref your application dated

true and correct

my

wise and

Issued

Payable

verification on this

121

LIST OF Employees Suwahati.

As stated above, I am (Sd/-) K. Lalung

Signature.

Signature.

Signature.

Signature.

Signature.

Signature.

will be rejected in original

(RK Bhatia

Lt Col

Adm Officer

for Commandant



-15-

ANNEXURE - C

Tele Mil : 699

REGISTERED/- BY POST

222 Aarlan Street, Avadi, Bangalore
222 Advance House, Ordinance, Bangalore
C/O - 29 APO

1980/Asst/ /CLV Est

07 Jul 2001

Pravin Kumar

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAP

Name Pravin Kumar

in
matters
ion would
half

1. Ref your application dated _____
2. You are hereby directed to report to 222 _____, any injury sustained
on _____ Jul 2001 for interview for the post of LDC. The liability of _____
required to bring the following documents:
for interview :-

He will be rejected if certificate in original is not submitted.

1. Certificate (SC/ST)
2. Qualification

RK Bhatia
Lt. Col.
In-charge Officer
for Commandant

14-1



3954

-16-

ANNEXURE - D

REGISTERED BY POST

222 Agrim Sthal Ayuch Bhandar
222 Advance Base Ordnance Depot
C/O 99 APO

07 Jul 2001

/Civ Est

Dhurbha Prasad

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAFAIWALA/MZD

Name Dhurbha Prasad

Roll No. 15

1. Ref your application dated
2. You are hereby directed to report to 222 ABOD at 0800 hrs on 26 Jul 2001 for interview for the post of Mazdoor. You are required to bring the following documents in original while reporting for interview :-

(a) Caste Certificate/Cat certificate (SC/ST/OBC/Ex-serviceman)

(b) Educational qualification certificate.

(c) Domicile or Ration Certificate.

(d) Proving date of birth

(e) willing to

3. (1) Eligibility
No corre

5. You

During



69/14

/Civ Est.

Mr. Ashok

S/O Late Durgachand Rai

REGISTERED BY POST

222 Bhandar Sthal Ayudh Bhandar
222 Bhandar Base Ordnance Depot
C/O BPO

21 Jul 2001

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAFAIWALA/MR ZIDOO

Name S/O Ashok Rai

ROLL No

JOR

Ref your application dated

You are hereby directed to report to 222 Bhandar Sthal of documents in

on 26 Jul 2001 for interview for the following documents in

- (a) Caste/Cat certificate
- (b) Educational qualification
- (c) Domicile or Ration Certificate
- (d) Document proving date of birth
- (e) Will be willing to serve the Recruiting

222 Bhandar Sthal of documents in
(30/31/OBC/Ex-servicemen) certificate

- 18 -

ANNEXURE - F

REGISTERED BY POST

222 Agnigarh Sthal Ayudh Bhanda
222 Agnigarh Base Ordnance Dep
C/O 222 APO



1523/Rect/1/Civ Est

07 JUL 2001

Mr. Nareesh Pantale
S/O Late Ghananaray Pantale

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSANGER/SAFAIWALA/MAZDOOR

Name Nareesh Pantale Roll No 155

1. Ref your application dated 26 Jul 2001

You are hereby directed to report to 222 ABOD at 0800 hrs

26 Jul 2001 for interview for the post of Mazdoor

You are required to bring the following documents in original while reporting for interview :-

- (a) Caste/Cat certificate (SC/ST/OBC/Ex-Serviceman),
- educational qualification certificate.
- Domicile or Ration Certificate.
- Document proving date of birth.

Candidates should be willing to serve any where in India.

Decision of the Recruitment Board in all matters regarding conduct of test, interview and selection would be final. No objection would be entertained in this behalf.

Candidates subjected to physical tests, any injury sustained during the test will not be the liability of this office. An interview will also be held.

Please note that your candidature will be rejected summarily, if you fail to produce the above certificate in original at the time of interview.

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

Atul
Ant

-19- ANNEXURE C

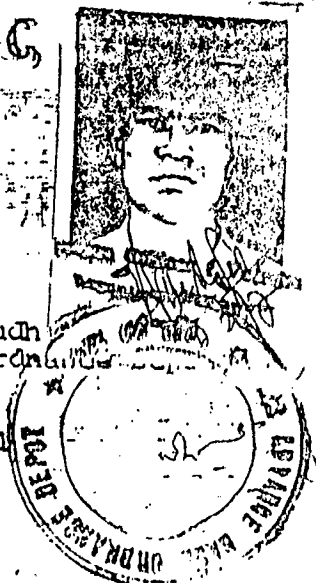
Tele Mil : 6954

REGISTERED/ BY POST

222 Agrim Sthal Ayudh
222 Advance Base Ordnance
C/O 99 APO

1523/Rect/ /Civ Est

07 Jul 2001



Sri - Rabin Nath

Slto R. Nath

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAFARIWALA, MA. DO.

Name Sri - R. Nath

Roll 558

1. Ref your application dated _____

2. You are hereby directed to report to 222 ABOD at 0800 hrs on 26 Jul 2001 for interview for the post of mess doer. You are required to bring the following documents in original while reporting for interview :-

- (a) Caste/Cat certificate (SC/ST/OB/Ex-Serviceman).
- (b) Educational qualification certificate.
- (c) Domicile or Ration Certificate.
- (d) Document proving date of birth.

Applicants should be willing to serve anywhere in India.

Decision of the Recruitment Board in all matters relating to conduct of tests, interview and selection would be final and no objection would be entertained in this behalf.

Applicants subjected to physical tests, any injury sustained during the tests will not be the liability of the recruiting authority. All interviews will also be held.

Applicants whose candidature will be rejected summarily, shall have to produce a certificate in original at the time of re-appearing.

[Signature]

(R. Nath)
Lt Col
Agro Officer
C/O 99 APO

[Handwritten signature]
Date



6954

- 20 -

ANNEXURE - H

REGISTERED BY POST

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

1523/Rect/ /Civ Est

67 Jul 2001

Purnam Ch. Khakhary

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAFAIWALA/

Name Purnam Ch. Khakhary Roll No

1. Ref your application dated _____
2. You are hereby directed to report to _____ on 26 Jul 2001 for interview for the _____
 You are required to bring the following reporting for interview :-

- (a) Caste/Cat certificate _____ 222 ABOD at 0800 P
- (b) Educational _____ and a post of 1702/1007
 All documents in original with

Advocate as shall accept this Varnan
 to and act for me/us in the
 for that purpose to all _____ CC/ST/OBC/Ex-serviceman
 drawing money, filing in or taking on Certificate.
 my own behalf and I we agree to rat
 as appears to all _____ and purpose
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 304 OF 2001.

Sari Tamasa Chandra Bhaklari & Ors.

- Versus -

Union of India & Ors.

-And-

In the

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by the

recruitment

vacancies of Mazdoors (OBC-24 and ST-07

were conducted on 25-26 Jul 01. The second

round for one OBC and forty seven unreserved General vacancies

of Mazdoors were held on 27-28 Sept. 2001. As required

by the rules, wide publicity was given for recruitment through

open advertisement in newspaper, Doordarshan, All India

All India Radio, Vocational Rehabilitation Centre and Director General Resettlement besides calling for names from Employment Exchange Guwahati. To provide sufficient time these advertisements were published on 13 Jun 2001, by calling applications of desirous candidates by 30 Jun 2001, while the call letters for appearing in tests were issued on 07 Jul 2001 and the tests conducted on 25-26 Jul 01. A total of about 2000 applicants were issued call letters to appear for the test of Mazdoors on 25-26 Jul 2001.

The tests were conducted in Narangi Cantt. in full public view by a board of officers constituted by Commandant 222 ABOD with an independent observer member detailed by HQ 51st Sub Area. The comparative physical standards of candidates were assessed by physical tests which included a 2.4 KM run passing which is mandatory. The guidelines governing the Selection Board is attached as per Annexure-I. All these seventeen candidates failed in the 2.4 Km run and were therefore, not qualified to participate in remaining tests. Copy of results is attached at Annexure-II. A medical team headed by Regimental Medical Officer Major Jayanta Borah and an ambulance were standby for first aid and for evacuation to Base Hospital if required. There were however no case of injury to any candidate during the conduct of the tests or immediately prior to that. None of the applicants have reported their injury, if actually so sustained, to the presiding Officer or to any member conducting the test, nor have the applicants stated as to why such a complaint was not made to any authority

involved in conduct of test. The assertion by the applicants that they sustained injury prior to the tests is totally false and incorrect.

That no Army vehicle was used to carry the candidates within Narangi Cantt. Indeed the Respondent No.3, who conducted the recruitment, does not have sufficient transport resources to carry such a large body of over two thousand candidates. Moreover, the distance between the football field where the candidates assembled and the location where the tests were conducted being only about 1 1/2 KMs, it is highly unbelievable that a massive vehicle logistic system would be even planned to carry over 4000 persons as expected when it is simpler to walk the distance. It is also totally false that there was any vehicle accident as stated and hence there is no occasion for any injury thereof to persons. The fact is that all seventeen candidates failed in the 2.4 Km run, which failure prevented their participation in remaining tests for selection as Ma

That the recruitment tests have been completed. successful candidates have been intimated of their provisional selection while verification of their documents and testimonials, character and antecedents etc is in progress prior to issue of appointment letter. By making the instant application the Petitioners who are all unsuccessful candidates are attempting to frustrate the recruitment process, that is almost complete, on a plea that is totally false and fabricated. It is respectfully submitted that orders to stay the completion of recruitment at this final stage when successful candidates have been

confirmed their provisional selection shall amount to denying the natural rights to the successful candidates, who have been selected for recruitment on their own merit, only to appease a few unsuccessful and possibly disgruntled candidates.

(PARA-WISE WRITTEN STATEMENT)

The respondents beg to deny all averments, statements, submissions and allegations made therein by the applicants except as may be specifically admitted herein under and it is also respectfully submitted that all these applicants are not Govt. employees and hence this Hon'ble Tribunal has no jurisdiction in the matter.

1. That with regard to para 1, of the application the respondents beg to state that the allegation that applications were not allowed to complete the interview and selection process is denied being misleading and false. Full and fair opportunity was provided to all the seventeen applicants, as was also given to the others 2060 candidates, to appear in the tests for selection of Mazdoors. As per the test schedule 2.4 KM run, was the first item of physical tests passing which is mandatory. Only those candidates who cleared this test of 2.4 KM run were allowed to participate in the remaining tests and interview for final selection on comparative merit. All the seventeen applicants failed in the 2.4 Km run. They were therefore not allowed to appear in the remaining tests as per recruitment guidelines.

2. That with regard to para 2, of the application the respondents beg to state that the contents of this para is not agreed. It is respectfully submitted that none of the applicants have been served with letter of appointment for employment on Mazdoors in 222 ABOD, much less they are entitled to report for duty. The applicants are therefore not Government servants hence it is respectfully submitted that the instant case is beyond the jurisdiction of this Hon'ble Tribunal.

3. That with regard to para 3, the respondents beg to state that the contents of this para is agreed.

4. That with regard to para 4.1, the respondents beg to state that offer no comments are possible since the antecedents etc. of applicants are not known to the Respondent.

5. That with regard to para 4.2, the respondents beg to state that the contents of this para is denied to the extent that there is no valid or tenable grounds for any grievance whatsoever against the selection process. No comments are offered on remaining portions of this para.

6. That with regard to para 4.3, the respondents beg to state that the contents of the para is agreed.

7. That with regard to para 4.4, the respondents beg to state that the contents of this para is admitted to the extent that the applicants reported at the football ground of 222 ABOD for the tests. The remaining contents of this para are denied being factually incorrect and false. It is totally incorrect that the applicants were asked to board

a military truck to carry them to the physical test site. No vehicle was deployed for that purpose nor were such transport resources available with Respondent No.3 to carry over 4000 persons as expected to appear. It is also unbelievable that such a huge logistic system of vehicles, would have been planned for employment to carry over 4000 persons (as expected to appear) for only a distance of approx. 11/2 KMs between the football field and the physical test site, when it is far simpler to walk that distance. All the candidates were asked to present themselves at the physical test site located about 1 1/2 KMs from the said 222 ABOD football field on their own. Many walked while some went on their bicycles. It is specifically denied that 222 ABOD has any goods carrying truck, much less was any such vehicle used for carrying the candidates. The allegation that "more than hundred candidates were loaded in a military truck" is absurd. It is false and malicious that military personnel on duty bullied or ill treated the applicants or for that matter any candidate, as alleged nor has there been any such complaint whatsoever as Civil police personnel and also military police personnel were employed to assist in conduct of the tests. It is factually incorrect that any vehicular accident involving a military truck took place as stated, which may also be verified from civil police authorities employed at all important points to assist in conduct of the recruitment tests. It is reiterated that no Army vehicle was used to carry the candidates nor any vehicle accident took place. A medical team headed by Regimental Medical Officer Major Jayanta Borah was standby for first aid

or for any treatment to the Medical Team on standby duty. The applicants have also not furnished any proof in the instant application, to support grievous injury claimed to have been sustained by them.

8. That with regard to para 4.5, the respondents beg to state that vehemently deny that any military vehicle was used for conveyance of candidates. The allegations that civilian candidates were carried in Army vehicles by the Respondent is absolutely false and malicious.

9. That with regard to para 4.6, the respondents beg to state that the allegations in this para are totally false, baseless and malicious. No grounds, reasons or background have been furnished to support these allegations. It is respectfully submitted that when the tests have been conducted in a fair manner and for over 2000 candidates for Mazdoors, there is no reason for the Board of Officers who conducted the tests to discriminate the seventeen applicants about whom the Respondent has no prior knowledge or information. They were treated at par with all other candidates and provided equal opportunity.

10. That with regard to para 4.7, the respondents beg to state that the allegation that the applicants were treated cruelly and in an uncivilized manner is totally false and baseless. All candidates were treated equally and in a fair manner. It is also malicious to allege that Respondents had any motive to accommodate "their interested candidate". It is respectfully submitted that all the tests were carried

out in total transparency in an open area visible to public including all the candidates, a fact which may also be verified from civil police personnel requisitioned for the recruitment. The tests were conducted as per Recruitment rules by a Board of Officers with an independent observer deputed by superior military authority of the Respondent and included members of SC/ST, amongst others. It may be pertinent to respectfully submit that except for the instant application by the seventeen applicants, there has been no complaint till date from any quarter. No comments are offered on remaining contents of this para due to lack of knowledge of applicants' financial status or of their efforts at seeking Govt. employment.

11. That with regard to para 4.8, the respondents beg to state that the petitioners plea in this para is untenable in view of the fact that they have failed in the test 2.4 KM run, passing which is mandatory for recruitment of Mazdoor. By seeking their tests de-mote on a false ground the applicants, besides obtaining undue favour for themselves, shall prejudice the legitimate rights of selected candidates for their appointment as Mazdoor, whose selections have been promulgated and their appointment indicated subject to police verification and scrutiny of their documents/testimonials, currently in progress.

12. That with regard to para 4.9, the respondents beg to state that the allegation in this para is false and denied. The applicants, as also all other candidates have

have been ~~in~~ given full opportunity. The orders of the Apex Court on the subject as also the Recruitment Rules have been followed in letter and spirit.

13. That with regard to para 4.10, the respondents beg to state that the allegations are false, baseless and malicious and are denied. The Respondent respectfully reiterates that the recruitment tests were conducted with fairness, in an objective manner giving equal opportunity to all the candidates.

14. That with regard to para 4.11, the respondents beg to state that in reply to para 4.11 it is respectfully submitted that in view of a fair opportunity provided to the applicants and their failure in the 2.4 Km run test in which they appeared there is no case for protection as asked for. The very basis of seeking re-test, viz inability to appear due to an injury, is false. By seeking to frustrate the recruitment process, the Applicants shall prejudice the legitimate rights of selected candidates for appointment as Mazdoor. No valid or sustainable grounds have been furnished by the applicants for the interim redressal being sought for in this paragraph, which if granted shall amount to cancellation of the selection process already completed & through the due process of law.

15. That with regard to paras 5.1 to 5.6, the respondents beg to state that the allegations made in this para are denied being false and malicious. It is respectfully reiterated that the orders of Apex Court on the subject and

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VERIFICATION

I, Sri Col M Rajgopal, Co
of this depot Samaj Shai Lt Col PS
aged 43 yrs being authorised do hereby
declare that the statements made in this written state...
are true to my knowledge, information and believe and I
have not suppressed any material fact.

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

ent.

NOTICE

From : A. Deb Roy
Sr. C.G.S.C.
C.A.T., Guwahati Bench

To,

Sri A. Ahmed

Advocate

Sub : Copy of written statement in O.A. No. 304/2021

Sir,

Please find herewith a copy of written statement in above mentioned O.A., which is being filed today.

Please acknowledge receipt.

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