

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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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) Sor' Purnamoh. Khaklari & Ors

RESPONDENT (s) C.I.O. & Ors.

ADVOCATE FOR APPLICANT(s) Mr. A. Ahmed

ADVOCATE FOR RESPONDENT(s) Mrs. A. Deb Ray, Q.B.
C.G.S.C.

Notes of the Registry	dated	Order of the Tribunal
	9.8.01	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.
791243 21-7-2001 Key	10.9.01	Member Vice-Chairman List on 9/10/01 to enable the respondents to file written statement.
Requisite 3 copies has been filed. Key 8.8.01	9.10.01	Member Vice-Chairman List on 15/11/01 to enable the respondents to file reply in writing.
Notice prepared and sent to D/S for conc. the respondent No. 1 & 3 by Regd A.D. vide D/No. 21/5/2001-Add-1	mb	Member Vice-Chairman

(2)

15.11.01 List on 20/12/01 to enable the
respondents to file written statement.

No written statement
has been filed.

3/11/01
8.10.01

Mr. (1) [unclear]
Member

Vice-Chairman

mb
20.12.01 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.

Mr. (1) [unclear]
Member

Vice-Chairman

mb
28.1.2002 Heard counsel for the parties.
Judgement delivered in open Court, kept
in separate sheets. The application is
dismissed in terms of the order. No
order as to costs.

Mr. (1) [unclear]
Member

Vice-Chairman

bb

28.1.2002

79.2.2002
Case is listed
for hearing
on 28.1.2002
in open Court
in the said office

✓
5/15/2002

20.3.2002

Order passed in
M.P. No. 39/2002 as
complied with.

ffs

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

Advocate for
Petitioner(s)

----- Versus -----

----- 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 Benches ?

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: Chapaидong
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: Chapaидong
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
Ordnance Service, Master
General of Ordnance 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.

O R D E R

CHOWDHURY J. (V.C.) :

The respondent authority released six (86) vacancies of Mazdoors, apart from various other categories for recruitment in 222 ABOD. The tests for recruitment of 31 vacancies of Mazdoors were conducted on 25-26 July, 2001. Among 17 applicants were called for the test for recruitment for the first part. For that purpose the tests were 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.

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 seven 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.

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 the 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
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

D. N. Chowdhury
D. N. CHOWDHURY
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWALI BLDG., DELHI NCT.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1995)

ORIGINAL APPLICATION NO. 304 of 2001.

Sri Purnam Chandra ^{Gender : Male} NO.
ES/ NO. ^{Applicant}

Verdict

cc/Authorised

10.

50/ 2781

12. Has the Union of India filed :- YES/ NO.

13. Has the Impud.

14. Date of Response :- 15/07/2001

15. The Index No.

Annexur

16. Date

APRIL 2001

17. Date

18.

13/02/2001

19. Any other points

20. Result of the hearing

21. Date

22. Date

23. Date

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

11) Sri Puram Chandra Khaklari,
S/o Lt. Kameswar Khaklari,
Villi-Chapaidang,
P.O.-Narengi, Guwahati-26

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Definitions and terms

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Guwahati-781026.

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C/o. I. Saru Das

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WAI BOR DAI Faniya,

F.O.-Baihata, Kamalpur,

Assam.

2

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-26.

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,
Barnalikuchi (Balatany)

10) Sri Mohan Das
S/o Jadu Ram Das
Vill-Kaithalkuchi,
Nalbari, Assam.

11) Sri Bihu Ram Borg
S/o Mohendra Ram Borg
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,
/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,
Ordnance Service, Master
General of Ordnance Branch,

4

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

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

- Respondents.

DETAILS OF THE APPLICATION:

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

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

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

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

Plkm

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 1523/RECT/2001 dated 10th July 2001 called for interview in the Office on date of test and i.e., 26th July 2001.

Annexure A
photocopies of some of
the applicants by
Respondent No. 3.

That your applicants beg to state on 26th July 2001 the applicants 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 applicants along with other candidates for post of Mazdoor for physical test. The applicants

Plktn

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 applicants. The truck and the applicants were seriously injured. The applicants were taken to the Military Hospital. The applicants approached the Military Investigation Bureau to complete the investigation. It is due to negligence of the concerned officials. Although, all the applicants were fit and also in the condition to pass the tests and were selected for the post of Mazdoor.

4.5 That your applicants beg to state that as per Military Rule no civilians are 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.

7.

4.8. That your applicants beg to state that the act of the Respondents is discriminatory and aims to deprive the genuine candidates for obtaining the above interview and the post of test for Mazdoor.

4.7. That your applicants beg to state that they were denied the post of genuine candidates who were qualified for the post for which they had submitted their application.

4.9. That your applicants beg to state that the Respondents have violated the rights of the genuine applicants by not giving them the post of test for Mazdoor.

PLA

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 called for 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:

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

5.20. 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.

5.30. 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.

8] RELIEF PRAYED FOR:

Under the facts and circumstances
stated above the applicants most respectfully
prayed that your Honor may be pleased to
admit this petition on the roll for record
after hearing by the Tribunal. Your Honor may
direct that the applicants be directed to
the Tribunal to hold a
cervview and physical test for
the applicants.

STIN ORDER EXAYED FOR:

STIN ORDER PRACTICED FOR:

nding final decision of this
in 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 I.P.O.

I.P.O.

6791243

Verification.

Plam

File No : 6954

REGISTERED BY POST



222 Agrim Sthai Ayudh Bhandar
222 Advance Base Ordnance Depo
c/o 99 APO.

1993/07/01 /Civ Est

07 Jul 2001

Sri. Biju Lalung

S/o K. Lalung

e and

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENDER/

Name Sri. B. Lalung

Information being

Roll No. _____ to be

1. Ref your application dated

true and correct made to 222 ABOD at

my residence and post of 222 ABOD at

located

payable

verification on this

123 LIST OF Engineers, Suwahati.

As stated above, name Ram Chandra Bhattacharya

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Tele Mil : 695



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REGISTERED / BY EOST

222 Agra Bn. Sthai Avnuc. Bldg.
222 Juhu, Mumbai - 400 050
C/O - 29 ADDL

07 July 2001

1978/Act/ /CLV/EST

Parmanand

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENDER/SAF

Name

Ram Singh

matters
ion would
half,

1. Ref your application dated

2. You are hereby directed to report to 222 Agra Bn. Sthai Avnuc. Bldg. on 07 JUL 2001 for interview for the post of LDC. The liability of the candidate to bring the following documents for interview :-

1. SC/ST certificate
2. Qualification

He will be rejected if he does not produce the certificate in original.

RK Bhatia
Lt. Col
Command Officer
for Commandant

Parmanand

REGISTERED BY POST

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

6954

15/3/00

/Civ Est

07 Jul 2001

Dhurba Prasad

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENGER/SAFAIWALA/M²D

Name Dhurba Prasad

Roll No. 115

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 :-

Caste Certificate/Cat acertificate (SC/ST/OBC/Ex-serviceman), educational qualification certificate.

(b) Domicile or Ration Certificate.

(c) Proving date of birth

3. (d) Willing to

eligibility
No correc

5. You
during

REGD & REGISTERED BY POST

222nd Infantry (Sthal Ayudh Bhandar)
222nd Infantry Base Ordnance Depot
C/O 11th ODC, TPO

JUL 2001

CIV. EST.
Mr. Ashok Patel
2/10, Patel Chowk, Ra...

EMPLOYMENT OF DRAUGHTSMAN/ LDP/ PTM/ MM/ MESSENGER/ SAFAIWALA/ M/ 2100

Name Mr. Ashok Patel

Ref. your application dated

You are hereby directed to report to 222nd Infantry

on 26 Jul 2001 for interview for the post of messenger. You are required to bring the following documents in reporting for interview:

- (a) Caste/Cat certificate
- (b) Educational qualification

Domicile or Ration Certificate

Document proving date of birth

I will be willing to serve the Recruiters

REGISTRATION BY POST

222 Agri Sthal Ayudh Bhanda
222 Agri Range Base Ordnance De
C/O 222 ABOD APO

IS 23/Rect/2/Civ Est

JUL 2001

Mr. Naresh Pantale
S/o Late Bhana Singh Pantale

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENDER/SAFARIWALA/MAZDOOR

Name Naresh PantaleROLL NO. 155

Ref your application dated

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. Once would be entertained in this behalf.

If subjected to physical tests, any injury sustained in course of the test will not be the liability of this Board. 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

Atta
Atta
Atta

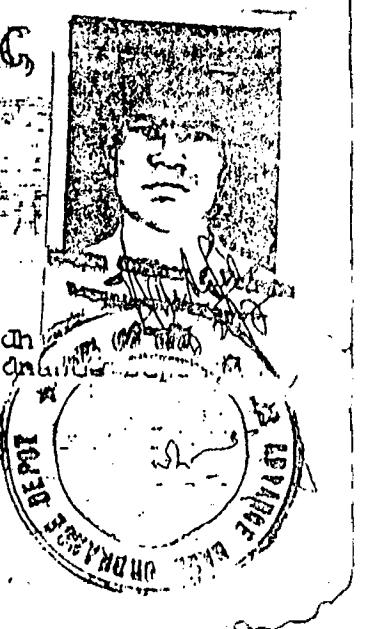
Tele Mil : 6954

REGISTERED / BY POST

222 Agrim Sthai Ayudh
222 Artillery Base Ordnance
C/O 99 APO

07 Jul 2001

1523/Rect/ /Civ Est

Sri - Rabin NathS/o B. Nath

EMPLOYMENT OF DRAUGHTSMAN/EDC/TIREMAN/MESSANGER/SAFAIWALA/M. DSC

Name Sri - R. Nath

R611 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 Mechanic. You are required to bring the following documents in original while reporting for interview :-

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

3. You should be willing to serve anywhere in India.

4. Decision of the Recruitment Board in all matters regarding the conduct of test, interview and selection would be final. Correspondence would be discontinued in this behalf.

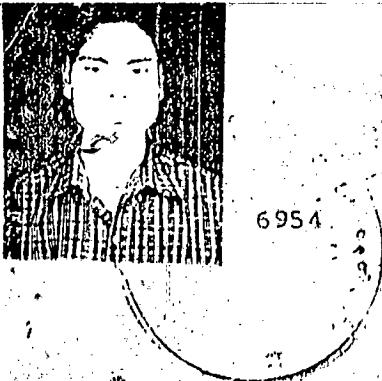
5. If you are subjected to physical tests, any injury sustained during the test will not be the liability of the Board. Interview will also be held.

6. Your signature will be rejected summarily if you do not produce certificate in original at the time of interview.

Signature _____

(R. Nath)
Lt Col
Adm Officer
222 Artillery Base Ordnance

1523
X



- 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

P. Main Ch. Khakhila (u)

EMPLOYMENT OF DRAUGHTSMAN/LDC/FIREMAN/MESSENDER/SAFAIWALA/

Name Durgam Ch. Khakhila Roll No

1. Ref your application dated

2. You are hereby directed to report to us on 26 Jul 2001 for interview for the You are required to bring the following reporting for interview :-

(a) Caste/Cat certificate of 222 ABOD at 0800 hrs and a post of 1701 C.C.
(b) Educational certificate along documents in original with Advocate as shall accept this Viz to legal and art for me/us in the for what purpose to all SC/ST/BC/ ex-serviceman drawing money, filing in writing certificate, my own behalf and I we agree to be liable to all expenses to all in the event of birth. No Advocate will be bound to birth.

In witness whereof I have here serve any where in India.

The Board in all matter relating to now and selection would be final. fixed in this behalf.

Legal costs, any injury sustained will not be the liability of the Board to be held.

There will be rejected immediately, certificate in original at the time

5. You will be working the course in organisation. An in

6. Please note that you if you fail to produce of interview.

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

O.A. NO. 304 OF 2001.

Sari Kumar Chandra Bhaklari & Ors.

- Versus -

Union of India & Ors.

In the

written

under

vacan. Mazdoor's OBC-24 and ST-07
were conducted on 25-26 Jul 01. The second
ment for one OBC and forty seven unreserved (Gen. & others)
of Mazdoore were held on 27-28 Sept. 2001. As required
by the rules, wide publicity was given for recruitment through
open adve. lisement 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 40 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 $\frac{1}{2}$ 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 thereon 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~~ 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 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 excepted 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. 1 1/2 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 a for any treatment to the Medical Team on standby duty. The applicants have also not furnished any proof in the instant application, to support grevious 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 van plan 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 of 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/SF, 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 24 KM run, passing which is mandatory for recruitment of Mazdoor. By seeking their tests de-movo 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 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 fairly, 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

VERIFICATION

I, Sari Col M Rajgopal, Co
of this depot son of Shri 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 belief and I
have not suppressed any material fact.

And I sign this verification on this 23rd day
of November 2001 at Guwahati.

NOTICE

to : 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. 304/201

Sir,
Please find herewith a copy of written statement in ab
being filed today.

Please acknowledge receipt.

Y

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