

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 331/2001

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

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

1. Orders Sheet. OA-331/2001 .....Pg. 1 .....to. 3 .....
2. Judgment/Order dtd. 20/03/2002 .....Pg. 1 .....to. 2 Dismissed .....
3. Judgment & Order dtd. ....Received from H.C/Supreme Court .....
4. O.A. 331/2001 .....Pg. 1 .....to. 11 .....
5. E.P/M.P. NIL .....Pg. ....to. ....
6. R.A/C.P. NIL .....Pg. ....to. ....
7. W.S. NIL .....Pg. ....to. ....
8. Rejoinder. ....Pg. ....to. ....
9. Reply. ....Pg. ....to. ....
10. Any other Papers. ....Pg. ....to. ....
11. Memo of Appearance. ....
12. Additional Affidavit. ....
13. Written Arguments. ....
14. Amendement Reply by Respondents. ....
15. Amendement Reply filed by the Applicant. ....
16. Counter Reply. ....

SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

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

ORDER SHEET

*Original* APPLICATION NO. 331 OF 2001

APPLICANT (S) *Amp Ch. Saka*

RESPONDENT (S) *W. O. I. GOM*

ADVOCATE FOR APPLICANT(S) *Mr. Adil Ahmed*

ADVOCATE FOR RESPONDENT(S) *CASE*

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form of a Petition for admission filed vide M. P. No. <i>X</i> C F for Rs. 50/- deposited vide IPO/BD No. <i>79 548741</i></p> <p>Dated <i>18.8.2001</i></p> <p><i>mb</i> 3.9.01 <i>mb</i> 13.9.01 <i>mb</i> 1.10.01 <i>mb</i></p>	<p>23.8.01</p> <p>3.9.01</p> <p>13.9.01</p> <p>1.10.01</p>	<p>List on 3/9/01 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Shri S. Sarma, appearing on behalf of the Mr. A. Ahmed, learned counsel for the applicant, states that he is not well, so he could not present.</p> <p>List on 13/9/01 for admission.</p> <p><i>[Signature]</i> Member</p> <p>List on 1/10/01 to enable the respondents to obtain necessary instructions.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p> <p>List on 17/10/01 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>

17.10.01 A prayer has been made on behalf of Mr A.Ahmed, who is out of station, for adjournment of the case. Prayer allowed.

List on 20.11.01 for admission.

*K C Usha*  
Member

pg

20.11.01 List this case alongwith connected case. The case is selection of Mazdoor under Ordinance Branch.

*K C Usha*  
Member

*[Signature]*  
Vice-Chairman

mb

20.12.01 It has been stated by Mr. B.C.Pathak, learned Addl. C.G.S.C. that this case is similar with O.A. NO. 304/2001. Respondents shall act the written statement of O.A. No. 304/2001 in this application also.

List on 28.1.2002 alongwith O.A. No. 304/2001 for hearing.

No. written statement  
has been filed.

*[Signature]*  
28.1.02.

*K C Usha*  
Member

*[Signature]*  
Vice-Chairman

mb

28.1.02 Mr.B.C.Pathak, learned Addl.C.G.S.C for the respondents stated that he will produce the connected records in the next hearing. Accordingly, put up the matter for after six weeks to enable the respondents to obtain connected record. It would also be open to the ~~written~~ respondents to file written statement before the next hearing.

List the case again for hearing on 19.3.2002.

*K C Usha*  
Member


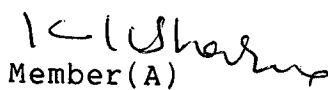

*[Signature]*  
Vice-Chairman

bb

No. written statement  
has been filed.

*[Signature]*  
18.3.02

O.A.331/2001

Notes of the Registry	Date	Order of the Tribunal
	19.3.2002	<p>None appears for the applica</p> <p>List the case again on 20.3.2002 i</p> <p>presence of the learned counsel fo</p> <p>the applicant Mr.A.Ahmed.</p> <p> Vice-Chairman</p> <p>bb</p>
	20.3.02	<p>Heard learned counsel for</p> <p>the parties. Hearing concluded.</p> <p>Judgement delivered in the open</p> <p>court, kept in separate sheets.</p> <p>The application is dismissed. No</p> <p>order as to costs.</p> <p> Member(A)</p> <p> Vice-Chairman</p> <p>trd</p>

18.4.2002

Copy of The Indst.  
has been sent to the  
Office for issuing the  
sum to the applicant by  
post and same to the  
L/Adv. for the Reply  
by him.

18.4.2002

for 3  
26.4.2002

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 331/2001

Date of Decision. 20.3.2002....

Shri ARup Chandra Deka

Petitioner(S)

Mr. A.Ahmed

Advocate for the  
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

Mr. B.C.Pathak, Addl.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, 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 ?

Judgment delivered by Hon'ble : Vice-Chairman.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.331 of 2001

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

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

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

Shri Arup Chandra Deka  
C/o Shri Dhruba Das,  
Village- Pathar quarry Chok,  
Near R S Clinic,  
P.O.- Udyan Vihar, Guwahati.  
By Advocate Mr A. Ahmed.

.....Applicant

- versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Defence,  
New Delhi.
2. The Director General,  
Ordnance Service,  
Master General of Ordnance Branch,  
Army Head Quarters,  
New Delhi.
3. The Master General of Ordnance Service,  
Fort William, Eastern Command (ORD),  
Kolkata.
4. The Administrative Officer,  
For Offg Commandant,  
14 Field Ammunition Depot,  
C/o 99 APO.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

In this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has assailed the process of selection made by the respondents and also sought for a direction for his appointment to the post of Mazdoor. According to the applicant he was called

for the test and interview for the post of Mazdoor in the office of the respondent No.4. He appeared in the selection test and came first amongst all the candidates, but persons who failed in the physical test and were overaged were appointed to the post of Mazdoor ignoring the genuine claim.

2. The application is devoid of material particulars. The applicant has made some allegations against the respondents for appointing persons who failed in the physical test and were also overaged without naming any of those.

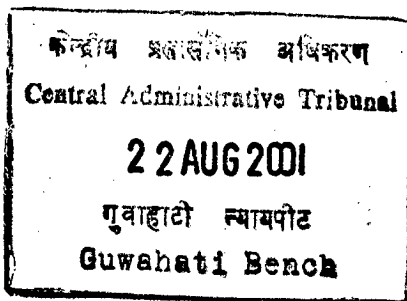
3. Mr B.C. Pathak, learned Addl. C.G.S.C. referred to the instructions he received and stated that no selection test and interview was held on 25.7.2001 as claimed by he applicant. It was stated that the test and interview was, no doubt, fixed on 25.7.2001, but it was postponed and subsequently held on 6.8.2001 and 7.8.2001. Postponement/amendment of the date of the test and interview was also advertised through 'The Assam Tribune dated 23.7.2001', All India Radio, Guwahati and Doordarshan Kendra, Guwahati vide letter No.1701/1/1966/Est dated 21.7.2001 and the amendment was also sent to the Employment Exchange for unskilled applicants and also to the Zila Sainik Welfare Office, Guwahati vide letter dated 31.7.2001.

4. We have heard Mr A. Ahmed, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. at length. Considering the facts and circumstances cited above we do not find any merit in this application.

5. The application is accordingly dismissed. No order as to costs.

K. K. Sharma  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

( D. N. CHOWDHURY )  
VICE-CHAIRMAN



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

ORIGINAL APPLICATION NO. 331 OF 2001.

Sri Anup Chandra Deka -Applicant.  
-Versus-  
The Union of India & Others  
-Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1]	Application	1 to 9
2]	Verification	10
3]	Annexure-A	11

Filed by

Advocate

(ADIC AHM 20)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. OF 2001.

B E T W E E N

Sri Arup Chandra Deka,  
S/o Late Uday Chanda Deka  
C/o Sri Dhruba Das,  
Vill-Pathar quarry Chok,  
Near R S Clinic,  
P.O.-Udyan Vihar,  
Guwahati, Assam.

-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-110011.

Filed by  
Shri Arup Chandra Deka  
Applicant  
(ADIC (H11160) &  
Advocate  
through

2/2/20

3] The Major General of  
Ordinance Service,  
Fort William, Eastern Command  
(ORD), Kokata-21.

4] The Administrative Officer,  
For Offg Commandant, 14 Field  
Ammunition Depot, C/o 99 APO.

- Respondents.

#### DETAILS OF THE APPLICATION:

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

This application is made against the  
results dated 20-08-2001 declared by the  
respondent No. 4 for the post of Mazdoor.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

A. Jem

## 4] FACTS OF THE CASE :

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

4.2 That your applicant belongs to poor family. He is under Matric and he is unemployed local energetic youth.

4.3 That your applicants beg to state that the Respondent No. 4 vide his letter No. 1701/1/Est dated 16<sup>th</sup> July 2001 called for interview for the post of Mazdoor in the Office of the Respondent No. 4. The date of test and interview was on 25<sup>th</sup> July 2001.

Annexure-A is a photocopy of interview letter dated 16-07-2001 issued to the applicant by the Respondent No. 4.

4.4 That your applicant begs to state that on 25<sup>th</sup> July 2001 the applicant reported to the Office of the Respondent No. 4 for interview and test etc. for the post of Mazdoor. The Respondent No. 4 took the applicant alongwith other candidates for post of Mazdoor for physical test. The applicant was asked to board in a Military Truck for appearing at the physical test site. It is regretful to mention here that more than

A. Sen

hundred candidates were loaded in the said military truck and the candidates were bullied by the military personals on duty. They treated the applicant alongwith other candidates the like animals which were generally taken to a slaughter house by the butcher. The applicant alongwith other candidates appeared for physical test like-running, lifting weight, Rope climbing, etc. The applicant came first in the physical test. After that he was called for oral test. In oral test he was asked simple questions like where he is resides and his educational qualification.

4.5 That your applicant begs to state that he was fully satisfied with his interview and physical test.

4.6 That your applicant begs to state that on 20-08-2001 the Respondent No. 4 declared the result of the Mazdoor. But most surprisingly, the name of the applicant did not appear in the above said result sheet.

4.7 That your applicant begs to state that the post of Mazdoor is a Civilian Post but the physical tests were taken by the Respondent No. 4 like recruitment of Army Personnel. In the said physical test the applicant came first amongst the other candidates. But the persons who are failed in

A. Dem

the physical test and also over aged are selected by the respondent No. 4 for above said post of Mazdoor.

4.8 That your applicant begs to state that he is poor educated local unemployed youth who is running from pillar to post for getting an employment under the Government establishments. But the Respondent No. 4 with a motive behind selected the their own interested candidates depriving the applicant.

4.9 That the applicant begs to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to the applicant. As such, finding no other alternative your applicant compelled to approach this Hon'ble Tribunal for seeking justice.

4.10 That your applicant begs to state that the Respondents, particularly, the Respondent No. 4 violated the fundamental rights under the Constitution of India.

4.11 That your applicant begs to state that the action of the Respondents is illegal, mala fide, arbitrary and also violative of administrative fair-play.

4.12 That your applicant submits that the Hon'ble Tribunal may be pleased to give protection to the applicant by giving

A. Sen

direction to the Respondents not to appoint any person in the post of Mazdoor till this Original application is disposed.

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

4) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

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

5.2] 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.

5.3] For that fresh recruitment of Mazdoor in suppression of the claim of the applicant is hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.

5.4] For that it is not just and fair to deprive the applicant from selecting him by the Respondent No. 4 for the post of Mazdoor.

A. D. R.

5.5] For that the Central Government being a model employer cannot be allowed to adopt a differential treatment to the applicant.

5.6] For that, the action of the Respondents is not maintainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6] DETAIL OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

7] MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that he has 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.

A. S. M.

## 8] RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

8.1 That the Respondents may be directed by the Hon'ble Tribunal to appoint the applicant to the post of Mazdoor.

8.2 Cost of the application.

## 9] INTERIM ORDER PRAYED FOR:

Pending final decision of this application the applicant seeks 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 25th July 2001.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

A. J. J. J.



## 111 PARTICULARS OF I.P.O.

I.P.O. No. : 76548741  
Date of Issue : 16.8.2001  
Issued from : Guwahati Q.P.O.  
Payable at : Guwahati

## 121 LIST OF ENCLOSURES:

As stated above.

-Verification.

A. D. D.

## Verification

I, Sri Arup Chandra Deka, S/o Late Uday Chanda Deka, C/o Sri Dhruba Das, Vill-Pathar quarry Chok, Near R S Clinic, P.O.-Udyan Vihar, Guwahati, Assam, do hereby verify the statements made in accompanying application and in paragraphs 4.1, 4.2, 4.4 to

4.11 are true to my knowledge and those made in paragraphs 4.3

are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

I signed this verification on this day 22<sup>nd</sup> of August 2001 at Guwahati.

Sri Arup Ch. Deka

Declarant.

- 11 -

ANNEXURE - A

14 Field Ammunition Depot  
C/O 14 FAD

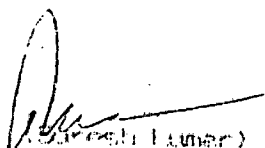
1701/1/Est

16 Jul 2001

Asup Ch DeKa  
C/O Shrubha Das  
PO. Udayan Bihar, Pathanganicles  
(Near RS Clinic) Ghy.

EMPLOYMENT OF MAZDOOR/FIREMAN/TELE OPTR

1. Ref your application dated \_\_\_\_\_ and Foll No 3283 ✓
2. You are hereby directed to report to 14 FAD at 0900h on 25 Jul 2001 for interview for the post of Mazdoor/Fireman/Tele Optr. Your are required to bring the following documents in original while reporting for interview :-
  - (a) Caste/Cat certificate (ST/SC/OBC/Ex-Servicemen).
  - (b) Educational qualification certificate.
  - (c) Domicile certificate or Ration Card.
  - (d) Document proving date of Birth.
  - (e) Proficiency/Trade/Experience certificate.
  - (f) Proficiency/Trade/Experience certificate.
  - (g) Handicapped certificate (Deaf only).
3. Please note that your candidature will be rejected summarily, if you fail to produce the above certificate in original at the time of interview.

  
(Major) ✓  
Major  
Administrative Officer  
For Offg Commandant

Asup Ch DeKa  
C/O Shrubha Das  
PO. Udayan Bihar, Pathanganicles  
(Near RS Clinic) Ghy.