

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 424/2001

R.A/C.P No.

E.P/M.A No. 1/02

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SECTION OFFICER (Judl.)

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

424 / 2001

Applicant (S)

H. N. Singha.

Respondant (S)

CC 01 2005

Advocate for the Applicant:

Mr. G. K. Bhattacharyya, B Choudhary.

Advocate for the Respondant:

Cuse.

Notes of the Registry

Date

Order of the Tribunal

13.10.01

Issue notice, returnable with-
in three weeks.

This is application in form
C. F. for Rs. 50/- deposited
vide IP No. 6678872
Dated 17/10/2001.

By, Registrar

List on 21.11.2001 for admission

Member

bb

21.11.01

Heard Mr. G. K. Bhattacharyya,
learned counsel for the applicant.

The application is admitted.
Call for the records.

List on 21/12/01 for written
statement.

Any Promotion to the rank of DIG
shall be subject to the outcome of
this application.

Member

Vice-Chairman

mb

5 copies has been filed
by the counsel for the
applicant with envelop 2
plus Rs. 5/- for R-6.

Removed to-day 17/10/2001
18/10/01

Notice prepared and sent to all
for issue the Respondant No 1 to 6
by Regd AIO.

D No 4056 to 4061

Dtd 6/11/01

No Written Statement
has been filed

30
20.12.01

21.12.01 It has been stated by Mr.B.C.Pathak, learned Addl. C.G.S.C. that written statement has already been filed. Office to verify and report. Mr.Pathak serve the copy of the written statement to Sri B.Choudhury, learned counsel for the applicant in course of the day.
List on 3.1.2002 for order.

ICU Sharma
Member

[Signature]
Vice-Chairman

21.12.2001

I have received
W/S. at 2 P.M on
my table and filed
in the file.

30
21/12/2001

Written Statement
filed on behalf of
the R. No. 1 to 6.

30
2.1.02.

mb

3.1.02 Written statement has been filed. Mr.G.K.Bhatyacharyya, learned counsel for the applicant stated that he has not received the copy of the written statement. Mr.A.Deb Roy, learned Sr. C.G.S.C. is requested to furnish the copy of the written statement within 48 hours.
List the matter for hearing on 4.2.2002.

ICU Sharma
Member

[Signature]
Vice-Chairman

mb

4.2. Heard in part.
W/S again on 12/2/2002.

30
A.K. Jey
4.2

12.2.02 Heard learned counsel for the parties at some length. List the matter for hearing again on 27.2.2002. In the meantime the respondents shall produce the relevant records.

ICU Sharma
Member

[Signature]
Vice-Chairman

trd

27.2 Heard Mr. B. Choudhury (learned Counsel for the applicant) & Mr. A. Deb Roy, Sr. C.G.S.C. for the respondent. Mr. Deb Roy produced the records.
Hearing concluded,
Judgment reserved.

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A.K. Jey
27.2

O.A. 424/2001

Notes of the Registry

Date

Order of the Tribunal

13.3.02

Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

Member

Vice-Chairman

mb

3

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 424 of 2001.

Date of Decision. 13.3.2002...

----- Sri Harendra Narayan Singha ----- Petitioner(S)

----- Mr. G.K. Bhattacharyya, Mr. B. Choudhury ----- Advocate for the
Petitioner(s)

Versus-

----- Union of India & Ors. ----- 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 : Admn. Member.

K. Usha

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.424 of 2001

Date of Order: This the 13th Day of March 2002

HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Shri Harendra Narayan Singha,
Son of Late Girish Ch. Singha
Area Organiser,
Special Service Bureau (SSB)
Kokrajhar,
District-Kokrajhar, Assam ... Applicant.

By Advocate G.K.Bhattacharyya, Mr.B.Choudhury,

-Vs-

1. Union of India
(Represented by the Secretary to the
Government of India, Ministry of Cabinet Affairs,
New Delhi.
2. The Director General of Security,
Bikaner House, Shahjahan Road,
New Delhi-110011.
3. Principal Director,
S.S.B. East Block-V, R.K.Puram,
New Delhi-110066
4. Director, SSB
East Block V, R.K.Puram,
New Delhi-110066
5. Divisional Organiser,
North Assam Division,
S.S.B., Tezpur,
District Sonitpur, Assam.
6. D.I.G, SSB,
North Assam Division,
S.S.B., Tezpur,
District Sonitpur, Assam. ... Respondents.

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

O R D E R.

K.K.SHARMA, ADMINISTRATIVE MEMBER:

1000Sharma

By this application under Section 19 of the
Administrative Tribunals Act the applicant has challenged
the order 35/SSB/A2/2000(1) dated 19.7.2001, ~~being~~ ^{and} intima-
ting the results of Review DPC held on 4.7.2001, ~~denying~~
the applicant ~~for~~ promotion to the rank of DIG. The appli-
cant is presently working as Area Organiser in the Special

contd/-

Service Bureau. He had joined the Organisation on 27.4.67 as the Circle Organiser and was promoted to the rank of Sub-Area Organiser on 24.4.75. The applicant was promoted to the rank of Area Organiser on 5.3.84. The next promotion from Area Organiser is to the rank of Deputy/DIG. For this post eligibility is 8 years regular service as Area Organiser. Certain adverse remarks were recorded in the A.C.R. of the applicant for the year 1993-94 against which the applicant submitted representation on 9.9.96 and 25.6.97. The DPC for promotion to the rank of Deputy Director/DIG was held on 9.4.97, the applicant was not promoted by this DPC. The applicant had filed the Original Application No. 213 of 97 against the adverse remarks for the year 1993-94 and for promotion to the next higher Grade. The O.A. was disposed of on 16.11.99, in which the direction was given to the respondents to dispose of the representation of the applicant. The representation was disposed of on 29.12.99, rejecting the applicant's claim. Being aggrieved the applicant filed another O.A. namely O.A. No.92 of 2000 wherein he challenged the adverse remarks for the year 1993-94 and his supersession. The O.A. was disposed of on 16th March, 2001 directing the Respondents to hold the Review DPC to consider the case of the applicant on the basis of available ~~of~~ records and without taking into account the ACR for the year 1993-94. Pursuant to the order dated 16th March, 2001 passed by this Tribunal, the Review DPC was held on 4.7.2001 and by impugned order dated 19.7.2001 (Annexure 9 to the O.A.) the applicant was informed as under :-

11/11/2001
" In pursuant of Para 5 of Hon'ble CAT, Guwahati Judgment dated 16.03.2001 in the abovementioned O.A. filed by Sri H.N.Singha, Area Organiser, SSB, A Review DPC was held on 04.07.2001 to consider promotion of Sri H.N.Singha O.A. to the rank of

Deputy Inspector General. The said DPC reviewed the minutes of the DPCs held on 29.4.97, 10.03.98, 27.04.2000 and 27.11.2000 for promotion of Area Organisers to the rank of DIG and considered the case of Sri H.N. Singha. AO on the basis of ~~the~~ available records without taking into account his ACR for the year 1993-94 as directed by the Hon'ble CAT. The said review DPC has not recommended Sri H.N. Singha for promotion to the grade of Deputy Inspector General as he still could not make the prescribed bench mark i.e. "very Good" on either of the occasions mentioned above even after excluding the ACR for the year 1993-94."

Against the order the applicant has come before this Tribunal by filing this O.A. The order dated 19th July, 2001 is challenged on the ground that it is arbitrary and violative of the principle of Natural justice. It is stated that reduced grading has adversely affected the promotional prospects. The ACR which is adverse in nature is communicated to the applicant Mr. G.K. Bhattacharjee, learned counsel appearing on behalf of the applicant elaborated the averments made in the O.A. He argued that average, or good ACR also affects the promotional prospects of the incumbent and must be communicated, so as to give opportunity to explain and represent against such remarks. He relied on the following judgment of 1996 (2) SCC-363, i) U.P. Jal Nigam and Others Vs. Prabhat Chandra Jain and others ii) 2000 (8) SCC 395 Badrinath Vs. Government of Tamil Nadu and Others, in support of his arguments.

2. The Respondents have filed their written statement and the Respondents were represented by Sri A. Deb Roy, learned Sr. C.G.S.C. The Respondents have also produced the records consisting of ACR of the applicant, as well as the minutes of the Review DPC. The Respondents stated that they have complied with the direction of the Tribunal in O.A. No. 92 of 2000 and have held the Review DPC. The Review DPC has recommended that as the applicant did not acquire minimum bench mark of very good, he could not be promoted. As per

SSB (Senior Executive) Service Rules, an Area Organiser having 8 years regular service as Area Organiser is eligible for promotion to the rank of Deputy Inspector General. As per para 6.2.1 10 DOP&T O.M. No.22011/5/86/Estt(D) dated 20.06.1989, the DPC consider the records with ACR's for the number of years equal to the required qualifying service. As such the 8 years ACRs were required to be seen and as the ACR for the year 1993-94 was to be ignored as per direction of this Tribunal the Review DPC held to review of the DPC proceedings of 29.4.97 considered the ACRs for the year 1987-88 to 1995-96 excluding the ACR for the year 1993-94. As over all grading the applicant was "good", the applicant was not recommended for promotion to the rank of DIG. While reviewing the proceedings of DPC held on 10.3.98 the review DPC considered the ACR's for the years 1988-89 to 96-97, after excluding the ACR of the year 1993-94. The over all grading of the applicant was good which was below the bench mark of "very good". Similarly the Review DPC for the proceedings held on 27.4.2000 looked into the ACR's for the years 1991-92 to 1999-2000 excluding the ACR for the year 1993-94. Over all grading the applicant's ACR's was good. He was not recommended for promotion. Reviewing the proceedings of the DPC which held on 27.11.2000 the Review DPC considered the ACR's for the year 1991-92 to 1999-2000. The over all grading the applicant was good and he was not recommended for promotion. Mr. A. Deb Roy, learned Sr. C.G.S.C. argued that the case of the applicant has been considered as per applicable rules/guidelines and the applicant is not entitled to any relief.

3. We have heard carefully the submissions made on behalf of the applicant as well as the Respondents. We have also perused the records produced before us. The Respondents have considered the ACR's for 8 years as required under the rules. The DPC for promotion held on above mentioned dates has

also taken into account the 8 years ACRs of all officers. The applicant was unable to achieve bench mark of "very good". We have also gone through the case law relied on by the learned counsel for the applicant. The first case relied on behalf of the applicants Jal Nigam and Others Vs. Prabhat Chandra Jain and Others relates to down grading of ACR. On the material placed before us we have not found any down grading of ACR of the applicant. In other case referred to on behalf of the applicant, it was held that as under :-

"38. Normally, this Court does not enter into question of the correctness of assessment made by Departmental Promotional Committees (or Joint Screening Committees).


39. But the case before us appears to be a very exceptional one as it has serious overtones of legal bias."


This was a case where a biased member was in the Selection Committee and bias was alleged. But in the present case before us there is no allegation of bias against the Review DPC. The records does not show that the Review DPC was in error in grading the applicant.

4. Having considered all the facts and the submissions of the learned counsel we do not find any infirmity in the order dated 19th July, 2001. We do not find any unfairness on the part of the Review DPC held on 4.7.2001. The records shows that the applicant had not achieved the required bench mark of "very good". No illegality is discernible in the impugned order dated 19th July, 2001. The record also does not show any unfairness or bias on the part of the Review DPC. The case of the applicant has been considered on merits. No interference is called for in the impugned order.

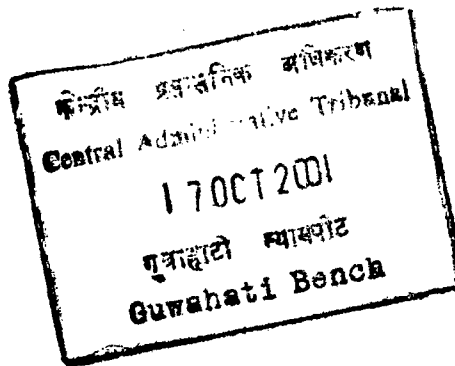
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The application is accordingly dismissed. There shall, however, be no order as costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOWDHURY)
VICE CHAIRMAN

lm



Harendra Narayan Singha
Filed by the applicant
through
Bikram Choudhury
Advocate
17.10.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI.

(An application U/s.19 of the Administrative Tribunal
Act, 1985).

ORIGINAL APPLICATION NO. 424 OF 2001

Sri Harendra Narayan Singha ... Applicant.

Versus

The Union of India & Ors. ... Respondents.

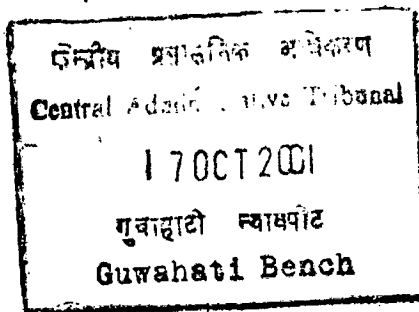
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Filed by -
Bikram Choudhury
Advocate.

Date of Filing :
Registration No:

REGISTRAR.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

(An application U/s. 19 of the Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. OF 2001

Shri Harendra Narayan Singha,
son of Late Girish Ch. Singha,
Area Organiser,
Special Service Bureau (SSB)
Kokrajhar,
District - Kokrajhar, Assam.

...APPLICANT

-VERSUS-

1. The Union of India,
(Represented by the Secretary to the
Government of India, Ministry of
Cabinet Affairs, New Delhi..
2. The Director General of Security,
Bikaneer House, Shahjahan Road,
New Delhi - 110011.
3. Principal Director,
S.S.B. East Block-V, R.K.Puram,
New Delhi - 110066.

Contd.../-

H.H.

4. Director, SSB

East Block-V, R.K.Puram,

New Delhi - 110066.

5. Divisional Organiser,

North Assam Division,

SSB, Tezpur,

District Sonitpur, Assam.

6. D.I.G. SSB.,

North Assam Division,

SSB., Tezpur,

District Sonitpur, Assam.

...RESPONDENTS.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE.

(i) Office Memorandum No. 35/SSB/A2/2000(1) dtd. 19.7.2001 from the Office of the Respondent No. 4 issued by the Deputy Inspector General, SSB (O.E.A) informing the applicant that in pursuance to the order dtd. 16.3.2001 passed in O.A. No. 92/2000 filed by him the review DPC was held on 4.7.2001 for considering his promotion to the rank of Deputy Inspector General and the said review DPC has not recommended his name for promotion as he could not make the prescribed bench mark.

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2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal.

3. LIMITATION.

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE

1. That the applicant was duly selected and appointed as the Circle Organiser in the Special Service Bureau (SSB in short) and he joined the organisation as such on 27.4.67. He was subsequently promoted to the rank of Sub-Area Organiser on 24.4.75 and thereafter, he was further promoted to the rank of Area Organiser on 5.3.84 and since then he has been functioning as such in various places. Since the date of his joining service, the applicant has been discharging his duties sincerely, honestly and to the best of his ability. As per the existing provisions of the SSB (Senior Executive) Service Rules, 1977, an Area Organiser with a minimum of 8 years' of regular service is eligible to be

Contd.../-

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promoted to the rank of Deputy Director/D.I.G. and the applicant became eligible to be promoted to the rank of D.I.G. in 1992.

2. That there are five different areas in the North Assam Division of the SSB, namely, Tinsukia, North Lakhimpur, Tezpur, North Kamrup and Kokrajhar of which Kokrajhar is considered to be the most difficult area and during the period in question, the applicant was heading the area as the Area Organiser from April 1991 to July 1995. There are four divisions namely, (1) Manipur and Nagaland Division, (2) Meghalaya Division, (3) Arunachal Pradesh Division and (4) North Assam Division in the North East Zone of the organisation. In the North-Eastern zone, the Kokrajhar area secured the third position in the Zone during 1993-94. Apart from the above, the applicant achieved double the annual target in respect of National Integration Camps.

3. That during 1993-94, the applicant was posted at Kokrajhar as the Area Organiser. The post of Deputy Inspector General (D.I.G. in short) heading the North Assam Division at Tezpur was vacant and consequently the Inspector General/Divisional Organiser at Tezpur was holding both the posts concurrently. Sri S.K.Sarma was the Inspector General/Divisional Organiser at Tezpur at that time. It subsequently appeared that Sri Sarma,

Contd.../-

H.S.D.

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while functioning as D.I.G. at Tezpur in addition to his own duties as Inspector General/Divisional Organiser had initiated the A.C.R. of the applicant for the year 1993-94 in the absence of the D.I.G. and also acted as the Reviewing Officer. It was highly arbitrary, illegal and unjustified that Sri Sarma, being the Reviewing Officer, disagreed with his own recordings in the A.C.R. as the Initiating Officer without recording any reasons whatsoever specially when the down grading remarks by the reviewing authority had specific bearing on the promotional prospects of the applicant.

4. That, on 20.7.94, the applicant was shocked and surprised to receive the confidential Memo No.NAD/CON/ACR/7/94 (73) dtd. 27.6.94 issued by the Respondent no. 4 whereby certain adverse remarks were recorded in the A.C.R. of the applicant for the year 1993-94. It was commented upon that the applicant was an experienced officer but his performance had not been upto expectation. The appellant has been finally graded as "Average".

Copy of the said memorandum dtd. 27.6.94 is annexed herewith and marked as ANNEX-
URE-I.

5. That, thereafter the appellant on 12.8.94,

Contd.../-

HJ

submitted a representation addressed to the Respondent no.4 with the prayer for expunction of the adverse remark. The aforesaid representation was duly forwarded to the Director, SSB, New Delhi (Respondent No.4) vide Area Organiser's SSB, Kokrajhar office Memo No. 432 dtd. 12.8.94 under registered letter receipt No. 2334 dtd. 14.8.94 of Kokrajhar post office.

A copy of the said representation dtd. 12.8.94 and the receipt of the forwarding letter are annexed herewith and marked as ANNEXURE-II and II(A) respectively.

6. That, as there was no response to the representation submitted by the applicant on 12.8.94, the applicant again submitted a representation to the Respondent No.3, through proper channel and the same was duly forwarded by the D.I.G. SSB., Kohima on 18.10.96 to the Divisional Organiser, SSB Manipur and Nagaland Division, Imphal for onward submission to Respondent no.3. Failing to get any appropriate response the applicant submitted another representation dtd. 25.6.97 directly before the Respondent no.2, praying for expunction of adverse remarks made in the ACR of 1993-94.

Copies of the representation dtd. 9.9.96 and 25.6.97 are annexed herewith and

Contd.../-



marked as ANNEXURE-III(A) & III(B) respectively.

7. That during, the pendency of the representations dtd. 9.9.96 and 25.6.97, the D.P.C. for selection of candidates for promotion to the rank of D.I.G./Dy. Director was held on 9.4.97 and in-terms of the select list, prepared by this D.P.C., two officers namely Sri Lebsang Rinchin and G.S.Sayana who were junior to the applicant as reflected in the seniority list of Area Organisers in SSB as on 30.11.95 were so promoted to the rank of D.I.G. superseding the applicant in 1997.

Copy of the said seniority list is annexed herewith and marked as ANNEXURE-IV.

8. That the applicant thereafter being aggrieved by the action of the authorities moved this Hon'ble Tribunal by way of an original application challenging the adverse remarks and also praying for a direction for consideration of promotion to the post of DIG from the date when his juniors were so promoted. The application was numbered and admitted as O.A. 213/97. The applicant further states that during the pendency of the application before this Hon'ble Tribunal, the applicant received the order dtd. 17.3.98 whereby his representation forwarded by letter /dtd. 6.12.97 was rejected by the authorities.

Contd.../-

H. J.

Copy of the said order dated 17.3.98 is annexed herewith and marked as ANNEXURE-V.

9. That after hearing all the parties concern this Hon'ble Tribunal by order dtd. 16.11.99 held that the order dtd. 17.3.98 ought not to have been issued since the application was pending before this Hon'ble Tribunal. This Hon'ble Tribunal, after perusing the ACR for 1993-94, held that the grading obtained by the applicant was "Very good" and that in the general remarks section, it was shown that the applicant was fit to get promotion in turn but the Reviewing Officer had summed up his remark as "a experienced officer but his performance has not been upto expectation". This Hon'ble Tribunal held that there was no explanation as to why the applicant deserved such adverse remarks from the Reviewing officer and it was not known on what basis the Reviewing Officer came to such conclusion. Accordingly, the order dtd. 17.3.98 was set aside and the respondent were directed to dispose of the representation of the applicant by a reasoned order.

Copy of the order dtd. 16.11.99 passed by this Hon'ble Tribunal in O.A. 213/97 is annexed herewith and marked as ANNEXURE-VI

10. That, in compliance with the order dtd.

Contd.../-

#Jard

16.11.99 passed by this Hon'ble Tribunal., the Principal Director, SSB New Delhi (Respondent no.3) by order dtd. 29.12.99 disposed of the representation dtd. 25.6.97 (Annexure-III(A) by rejecting the same by taking into consideration 3 (three) further alleged warnings which was never received by the applicant and about which no mention had been made in the earlier communications and also in the affidavit filed by the department earlier.

It would be pertinent to mention here that the Respondent no. 3 had denied to have received the representation dtd. 12.8.94 (Annexure-II) challenging the adverse remarks recorded in the ACR of the applicant during 1993-94.

Copy of the order dtd. 29.12.99 is annexed herewith and marked as ANNEXURE-VII.

11. That being aggrieved by the action of the authorities, the applicant again moved this Hon'ble Tribunal by way of an original application challenging the adverse remarks and the order dtd. 29.12.99 (Annexure-VII) passed by the Respondent no. 3 rejecting the representation dtd. 25.6.97 (Annexure-III(B) for expunction of adverse remark and also praying for a direction for consideration of promotion to the next higher rank when his juniors were so promoted and the

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application was numbered and admitted as O.A. No.92/2000.

12. That, on 16.3.2001, this Hon'ble Tribunal after hearing all the parties concerned disposed of the above application by setting aside the order dtd. 29.12.99 and further directing the respondents to hold review DPC to consider the case of the applicant on the basis of the available records without taking into account the ACR for the year 1993-94 and to complete the aforesaid exercise within a period of three months from the date of receipt of a certified copy of this order.

A copy of the order dtd.16.3.2001 is annexed herewith and marked as ANNEXURE-VIII.

13.. That, on 20.7.2001 the applicant received the impugned Office Memorandum No. 35/SSB/A2/2000(1) dtd.19.7.2001 from the office of the Respondent no. 4 issued by the Deputy Inspector General (EA) informing the deponent that in compliance with the order dtd. 16.3.2001 passed by this Hon'ble Tribunal, the review DPC was held on 4.7.2001 for considering his promotion to the rank of Deputy Inspector General and the said review DPC has not recommended his name for promotion as he could not make the prescribed benchmark i.e. "Very good".

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A copy of the impugned order dtd. 19.7.2001 is annexed herewith and marked as ANNEXURE-IX

14. That the applicant has become highly aggrieved by the aforesaid impugned order dtd. 19.7.2001 and as such he is approaching this Hon'ble Tribunal once again for relief.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

I. For that the action of the authorities in not promoting the applicant to the rank of Deputy Director/D.I.G. is illegal, arbitrary and in violation of the principle of Natural Justice and as such the impugned action of the authorities is bad in law and is liable to be set aside.

II. For that the action of the authorities in stating that the review DPC has not recommended the applicant's name for promotion to the grade of Deputy Inspector General as he could not make the prescribed benchmark i.e. "Very Good" is highly illegal, arbitrary and in violation of the principle of Natural Justice since he was never communicated about any downgrading in his ACRs and as such the impugned action of the authorities is liable to be set aside.

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(iii) For that since the reduced gradings has affected the promotional prospects of the applicant, the same must be treated as adverse remarks and it ought to have been communicated to the applicant and in the instant case since that has not been done, the impugned order is bad in law and is liable to be set aside.

(iv) For that an ACR which is adverse in nature for the purpose of promotion, must be communicated to the concerned incumbent immediately in the form of an advise so that there can be improvement in the performance. An adverse ACR which is not communicated, looses, its very purpose and it is a settled proposition of law and a requirement of principle of natural justice that any adverse material acted upon for negating the promotion to the incumbent must be communicated, so as to give opportunity to explain and represent against the adverse remark and this is a mandatory requirement of law. As such the impugned action of the authorities is not sustainable in law.

(v) For that, the applicant has been subjected to untold sufferings in the matter of his promotion to the next higher grade of D.I.G. for no fault on his part and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief.

Contd.../-

Handwritten signature at the bottom left.

26

(vi) For that, in any view of the matter, the impugned action of the authorities in denying promotion to the applicant illegally is bad in law and is liable to be set aside.

6. DETAILS OF REMEDY EXHAUSTED

The applicant states ^{that} since the impugned order has been passed in pursuance of this Tribunal's order dtd. 16.3.2001 in O.A. No.92 of 2000 no further departmental appeal lies.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench or the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. PRAYER

It is, therefore, prayed that Your Lordships would be pleased to admit this

Contd.../-

H. J. J.

application, call for the entire records of the case including the ACRs of the applicant and the minutes of the review DPC held on 4.7.2001, ask the respondents to show cause as to why the impugned order dtd. 19.7.2001 (Annexure-IX) should not be set aside and quashed and after perusing the causes shown, if any and hearing the parties, set aside and quash the impugned order dtd. 19.7.2001 (Annexure-IX) and further direct the respondents to promote the applicant to the next higher rank of D.I.G. from the date when his juniors were so promoted with all consequential benefits and/or pass any other order/orders as Your Lordships may deem fit and proper.

And for this act of your kindness, the applicant as in duty bound shall ever pray.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

It is, further prayed that pending disposal of this application, the Respondents may kindly be directed not to promote any officer junior to the applicant to the next higher grade of DIG.

Contd.../-



10. DOES NOT ARISE.

11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF
THE APPLICATION FEE :

I.P.O. NO. 66788772 Dt. 17-X-01, issued by
GUWAHATI POST OFFICE payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Contd.../-



VERIFICATION

I, Shri Harendra Narayan Singha, son of Late Girish Ch. Singha, aged about 57 years, Area Organiser, Special Service Bureau (SSB) Kokrajhar, in the district of Kokrajhar, Assam, do hereby, verify that the statements made in paragraphs No. 1, 2, 3, 6 and 14 are true to my personal knowledge and the statements made in paragraphs No 4, 5, 8, 9, 10, 11, 12 and 13 are believed to be true on legal advice and that I have not suppressed any material fact.

Harendra Narayan Singha

Place : Guwahati

Date : 17.8.01.

Contd.../-

CONFIDENTIAL

No. NAD/CON/ACR-7/94 (73)
GOVT. OF INDIA

30

DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIVISIONAL ORGANISER, SSB
NORTH ASSAM DIVISION, TEZPUR
P.O. TEZPUR

Dist :- SONITPUR (Assam)

PIN-784001

Dated Tezpur the 27 June 1994

MEMORANDUM

In his ACR for 1993-94, in respect of Shri H.N.Singha, Area Organiser, it has been commented upon that he is an experienced officer but his performance has not been upto expectation. The officer has been finally graded as 'Average'.

No. 392 dt. 20.7.94

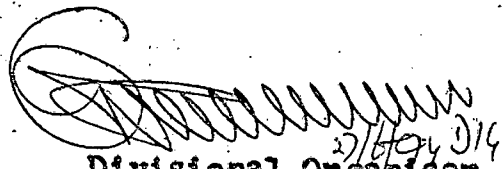
Received Copy

2/19/7

Area Organiser
Kokrajhar

2. Shri H.N.Singha is expected to make efforts to improve upon and make good of the deficiencies. However he may like to represent to the competent authority against the aforesaid remarks within 30 (thirty) days of the receipt of this memorandum.

3. This memo is issued in duplicate - one copy of which should be returned promptly to this office duly accepted and signed by Shri H.N.Singha, AO.

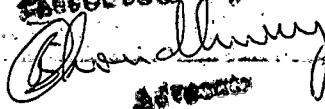

Divisional Organiser.
N A Division : SSB

To

Shri H. N. Singha,
Area Organiser, SSB
Kokrajhar.

-0-

Attested by


Attested

ANNEXURE-II

CONFIDENTIAL

No./PF-4-67/93-94/432

DT.12.8.94.

To,

The Director, SSB.
Block - V (East), R.K. Puram.
New Delhi - 110066.

SUBJECT: PRAYER FOR EXPUNCTION OF "AVERAGE" A.C.R. FOR
1993-04.

Sir,

Kindly refer to D.O., NAD Memo No. NAD/CON/ACR-7/94(73) Dt. 27.6.94 issued to the undersigned regarding "Average ACR" for the year 1993-94" and with due respect, I have the honour to submit the following points for favour of your kind personal and sympathetic consideration.

AREA INTRODUCTION.

1. That Sir, Kokrajhar Area consists of 2 (two) Sub. Areas Kokrajhat and Bongaigaon, Kokrajhar Sub-Area comprises of the following 3 circles.

- (1) Kokrajhat
- (2) Gosiagaon and
- (3) Dhubri.

Similarly Bongaigaon Sub-Area comprises of 2 (two) Circles:-

- (1) Bongaigaon and
- (2) Mankachar.

2. That, Kokrajhar Area consists of civil Districts Kokrajhar, Bongaigaon and Dhubri, become the hotbed of ABSU (All Assam Boro Student union) agitation since 1987 which will be revealed from different reports of important development and Demographic changes till date the "Bodo Autonomous Council Accord" signed by the Govt. of Assam and ABSU Leaders in February, 1993.

SHORTAGE POSTING OF OFFICERS

3. That, Sir, during the period of 1993-94, the following post were lying vacant in the Kokrajhar Area.

- (1) C.O., Mankachar since 1987.
- (2) C.O., Kokrajhar - long back.
- (3) C.O., Bongaigaon - long back.
- (4) C.O., Gossaigaon from July/98.

4. That, in the field only 3 (three) officers were present/posted i.e. S.A.O.-2 and C.O.- 1 against 2 S.A.O. and 5(five) C.Os in the Area during the period under report. The C.O., Dhubri being a fresher one, he was also detailed on various Training Courses. Besides, the immediate authority paid no heed for the posting of the vacant post during the period although fully knowing well the strategic location of Kokrajhar Area, which has International Boundary - (1) Indo-Bangladesh and (2) Indo-Bhutan Border.

5. That, similarly against the sanctioned post of 9 (nine) SFA(M) in Kokrajhar Area only 4 (four) were posted and 5 (five) posts continued to be vacant. On promotion transfer of SFA(M), Bongaigaon and Dhubri, they were released in January/94. The post of SFA(M), Dhubri Circle and Bongaigaon circle consisting of Indo-

Bongladesh and Indo-Bhutan border respectively vacant posts although earlier 5 (five) vacant posts-total 7 (seven) posts of FSAS (M) continued to remain vacant in Kokrajhar Area till date. No rationality has been maintained in posting of SFA (M) in comparison to other 4 (four) Area of North Assam Division even repeated note made by the D.M.O., NAD as learnt.

A.O.'S FUNCTION CRIPPLED.

6. Out of 3 (three) Stenos, only 2^o (two) Stenos one such of A.O., Kokrajhar and S.A.O., Kokrajhar were posted. The post of Steno, Bongaigaon continued to remain vacant since 1987.

7. That, the Steno of A.D. Kokrajhar was initially transferred and posted in Tisukia Area (Vide Order No.1/2(6)NGO/92-337-56 dated 9.4.92, copy enclosed) with substitute but perhaps on personal affinity, Cate and Creed, he was posted to S.A.O. Office, Rangia of North Kamrup Area without any representation and that too without a substitute (Order No. ½ (6) NGO/92/3828-34 dated 2.8.92 copy enclosed) overlooking the importance of A.O.'s Office Kokrajhar. The Steno has been released on transfer in January 93 on constant pressure from the Dibv. Hqrs. By sig. And since then no substitute has been posted.

Similarly, the Steno of S.A.O., Kokrajhar has also been transferred and released in January/93 without a substitute rather revising the transfer order of Steno. Of Comdt., Wats to S.A.O. North Kamrup instead of S.A.O. Office, Kokrajhar.

- 21 - 34

Thus the functioning office A.O., Kokrajhar has been crippled by the immediate controlling authority not only in the field but also in the Ministerial Ranks during the period under report.

**KOKRAJHAR SELECTED AS THE BEST AREA OF NAD FOR THE BEST
REST AREA EASTERN ZONE COMPETITION. 1993-94.**

8. That Sir, North Assam Division Consists of 5 (five) Areas- Tinsukia, North Lakhimpur, Tezpur, North Kamrup and Kokrajhar Area. Kokrajhar Area has been selected as the "BEST AREA" for the Best Area Eastern Zone Duty Meet competition during the period under report. The D.O. NAD has also admitted the fact and he has kindly "approved the entire Tour of the understood for September/93 commenting as a "SPECIAL CASE" which is enclosed in photo state.

ANNUAL ADMINISTRATIVE PERFORMANCE - 1993-94.

9. That Sir, having being the after mentioned deficiencies/difficulties, your humble petition has achieved all the targets as far as practicable as even conducted 102 (one hundred two) nos excess N.I.P. Camps against a total target of 100 (One hundred) nos N.I.P.s during the period under report in addition to Best Area Eastern Zone Competition. The Annual Administrative Report has been submitted vide this Office No. 992 dated 17.4.94 under Redg. Cover No. 4334 dated 18.4.94 which may also kindly be referred to.

G R O U N D S

1. That Sir, what I personally feel is that the respected D.O., NAD has kindly visited/Inspected A.D.

Office, Kokrajhar from 16.6.92 to 19.6.92 with all his family members and it is perhaps due to this fact that I could not look into their all type of family well-fare/need during the period. The Comdt., G.C., Bongaigaon provided his car during the entire visit period (16.6.92 to 21.6.92) right from Bongaigaon to all the circles of Kokrajhar Area which may be revealed from his (Comdt.s) Tour Diary of June/92 while I could not due to my limited resources and pre-engagement in the Inspection, field activities, public meetings in different places of Bongaigaon, Gosaigaon, Dhubri and Mankachar circles as also various/multifarious management like accommodation, fooding etc. for such a considerable number of members of the contingent that too on mobile basis day to day. In this regard 7 (seven) different photographs are appeared with brief Resume for favour of your kind perusal and consideration.

2. That Sir, there was a news Item in column No.5 (five) of page - 8 (eight) of leading English Daily- "THE ASSAM TRIBUNE" dated 20th July/92, and Memo No. 254-60 dated 7.3.94 (photocopy enclosed) which may be added factor of the foregoing para.

3. That Sir, the undersigned belongs to "Other Class of Rajbangshi Community" simple by nature and Officer who has recorded the performance as "AVERAGE" is of Higher Cape/Community and he was not looked into the future of the Employee of a **"WEAKER SECTION"**.

4. That, during my service life from 4/67, I have never been graded as "AVERAGE" Officer in my Superior/Senior Officer either by A.C.S. (Assam Civil Service) or I.P.S. officers.

5. That, I also served as Instructor at F.A. gwaldom, T.C. Haflong in Survival course, in a strategic Area like Sikkim where the Honourable cabinet Secretary Sri B.B. Deshmukh has kindly visited and as a Staff Officer in NAD and no "AVERAGE" grading has been reflected and communicated to me.

6. That Sir, I am in the promotion Zone and if my A.C.R. is not reflected precisely, my future will be marred and a WEAKER SECTION OFFICER will remain as a WEAKER only.

Under the circumstances of the foregoing paras, I earnestly request your Honour to look into the matter to expunge the adverse remark of my A.C.R., 1993-94 for which act of your kindness, I shall remain ever grateful to you.

Yours faithfully,

Sd/-

(H.N, Singha)

AREA ORGANISER, KOKRAJHAR.

(24)

B7



GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF SECURITY
AREA ORGANISER SSB KOKRAJHAR AREA
KOKRAJHAR TASHAN.

Dated the 29th August 1997

CERTIFICATE :

Certified that the Representation of
Shri H.M. Singha, Area Organiser, SSB, Kokrajhar on his
A.C.R. for the year 1993-94 has been sent to the Director,
SSB, Block-V, R.K. Pura, New Delhi vide A.O., SSB, Kokrajhar
office No. 432 dated 12.8.94 under Registered letter
Receipt No. 2334 dated 14.8.94 of Kokrajhar Post office.

G.N.Deka
27.8.97
(G.N.Deka)
Area Organiser, SSB,
Kokrajhar.
AREA ORGANISER,
SSB, KOKRAJHAR

NOT INSURED		2334
Amount of Stamp affixed	Rs. 10/-	
Received a Registered letter	Block V	
Addressed to	N. Deka	
Signature of Recording Officer		

Attested by
Choudhury
Attested

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ANNEXURE - III (A)

(Contd.)

ANNEXURE-4

No.DIGK/HNS/AOS/PF/98/738.
Directorate General of Security
Office of the DY.Inspector General
SSB Post Box No. 210
Kohima- 797001, Nagaland.
Dated the 18th October, 1996. ✓

To,

The Divisional Organiser, SSB
Manipur and Nagaland Division,
Imphal.

Sir,

Enclosed please find herewith the Representation addressed to the Principal Director, SSB by Shri H.N.Singha, Area Organiser D.I.G. Hqs., SSB, Kohima which is self explanatory.

It is for favour of your kind perusal and necessary action, please.

ENCL.:AS ABOVE
(IN DUPLICATE)

Yours faithfully,

Sd/-

(J.S.SANDHU) ✓

DY.INSPECTOR GENERAL.

Handwritten signature
18/10/96

ANNEXURE-III (A)

To,

(Covld.)

The Principal Director, SSB,
East Block-V,
R.K. Puram,
New Delhi - 110066.

(THROUGH THE PROPER CHANNEL)

SUBJECT: EXPUNCTION OF MY A.C.R. FOR THE PERIOD 1993-94.

Sir,

Kindly refer to my representation addressed to the director, SSB vide No. PF-4-67/93-94/432 dated 12.08.1994 in continuation of Divisional Organiser, NAD memo No. NAD/CON/ACR-7/94923) dated 27.06.1994 on the subject cited above, I have the honour to submit the following few lines for favour of your kind perusal and justice.

1. That, Sri S.K. Sharma the then Divisional Organiser, NAD has reflected in my ACR for the period 1993-94 commenting that he is "an experienced Officer", but his performance has not been up to expunction and finally graded my ACR as "AVERAGE".

2. That, the remains endorsed by Sri S.K. Sharma, Ex. Divisional Organiser, NAD has been strongly represented by the undersigned to Director, SSB vide my Representation No. PF-4-67/93-94/432 dated 12.08.1994 as been provocative, malicious, biased and vindictive providing with the following documentary proof.

i. 8 (eight) nos. of photographs of Sri S.K. Sharma, Ex. Divisional Organiser, NAD with all his family

members (i.e. his Mrs., Daughters-2 and son-1, total-5 including the Divisional Ornganiser) who visited Bongaigaon. Kokrajhar, Dhubri and Goalpara area districts for and during the inspection of Area Office, Kokrajhar w.e.f. 16.06.1992 to 19.06.1992 using the car of Divisional organizer, NAD and car of Commandant, G.C., Bongaigaon to accommodate his entire family members and battalion personnel in additional vehicles in the assumed plea as Security Guards numbering about 34/35 in total that too in mobile i.e. from Bongaigaon to Kokrajhar, Gosaigaon, Dhubri (Alamganj-Superighat) Florican Garden, Bilasipara Pancharatna/Goalpara and Mankachar having organising 4 (four) NIP Camps/Public Meeting, Group Discussions and Inspection of 4 (four) G.I.A. Projects and as a result, I could not look after them properly having busy in field schedules.

ii. The Memorandum, transfer orders of Officials issued/amended and memo No.754-60 dated 07.03.1994 regarding visit of Officers/ Officials in Divisional Organiser residence "taking liberty for or attempt or gratification".

iii. Photocopy of news item published in a leading Daily English News Paper of Assam "The Assam Tribune", 20th July, 1992 regarding allegation against Shri S.K. Sharma Ex. Divisional Organiser, NAD for placing of supply order with two Delhi based firms, whose owner alleged to be his relatives and neither any re-joinder nor a "Defamation case" could be field by him till date which shows that the allegation was correct and accepted by Shri S.K. Sharma.

3. That, during my service period as Area Organiser, SSB I had served under the following Divisional Organisers of different Divisions:

Sl. No.	Name/Designer of post held by me	Period		Name of the Divisional Organiser
		From	To	
01.	Area Organiser Hqs North Assam Divn.	3/84	2/87	Sri N. Nataranjan, IPS IG/D.O., NAD & Director, SSB.
02.	Area Organiser Sikkim/Darjeeling (Duel charge)	2/87	1/97 1990	i. Sri H.N. Biswas, IPS, Ph. D. D.I.S/ Do North Bengal & Sikkim Divn. ii. Sri M. Gopal, IPS, I.G./D.O., NB & S Divn.
03.	Area Organiser, Tezpur/Area(Hqs), NAD and Area North Lakhimpur. (Concurrently)	13/97 1990	26.4.91	i. Shri V.N. Negi, IPS, I.G./D.O., NAD

4. That, from the foregoing para (3), it is pertinent to note that, I had served as Area organizer in different Divisions under 3(three) different I.P.S. Officers of I.G.P./D.G.P. rank and 1(one) I.P.S./D.I.G./D.O. who has been conferred Ph.D. in Sociology, now Joint Director of C.B.I., Eastern Region, Calcutta.

5. That, during my Service as an Area Organiser under the aforementioned 4(four) Senior I.P.S. Officers, my service Career has been "Very Good", but it is not understood as to how I became an "AVERAGE" Officer under a solitary "Non-I.P.S.", Officer (Sri S.K. Sharma, Divisional Organiser, NAD) by overnight, which is nothing, but due to the aforementioned personal gimmicks.

Besides, Sri S.K. Sharma, ex. Divisional Organiser has clearly admitted and incorporated the undersigned "as an Officer."

6. That, I was very busy with the field commitments because, it was the period of peak Bodoland Agitation by the All Bodo Students Union (ABSU) which ultimately lead to signing a "Tripartite Accord" by the Govt. of Assam, heard by the then Chief Minister Hiteswar Saikia, Sri Sansuma Basumatary, President, ABSU under the supervision of the then Union Home Ministry leading to "Bodoland Autonomous Council" (BAC) in 1993.

7. That, Sri S.K. Sarma did not offer his comments while down grading my ACR written by D.I.G., which is a mandatory for the reviewing Officer because of this malicious, biased and vindictive attitude of Sri S.K. Sharma against me has resulted in a great damage to my career and I have not been considered for further promotion. Once I am adjudged as an "experienced Officer", by Sri S.K. Sarma, then how I am an "AVERAGE" graded by the same Officer?

Under the prevailing circumstances and the foregoing paras, I would request you kindly to look into the matter and expunge the "AVERAGE" grading ACR 1993-94 on the analogy of my ACR written by the 4 (four) Senior I.P.S. Officers and my ACR may be up-graded as "VERY GOOD" to award the proper justice as my experience work and length of service, I rendered in SSB.

It is for your sympathetic consideration, please.

With full expectation of justice from.

Your gracious honour.

yours faithfully,

Sd/- 2226.

(H.N. SINGHA)

AREA ORGANISER (STAFF)

AREA ORGANISER

SSB. KOHIMA, NAGALAND.

13

To,

The Director General of Security,

Cabinet Secretariat,

Government of India

Bikaner House (Annexe),

Shahjahan Road, New Delhi-11

Through the proper channel

Dated Kohima the 25th June, 1997

Subject:-

PRAYER FOR EXPUNCTION OF ADVERSE REMARKS IN
THE ACR OF 1993-94 AND UP GRADING TO "VERY
GOOD" AND STAYAL OF DPC OPERATION FOR REVIEW
OF THE D.P.C.

Sir,

This appeal is made by your humble petitioner to your honour being the Appellate Authority on the subject cited above for favour of your kind personal and legal consideration.

ACR PROFILE OF 1993-94 AND ADVERSE REMARKS
THEREON RECORDED BY SHRI S.S. SHARMA, D.O.
SSB HAD FOR EXPUNCTION AND UP GRADING TO
"VERY GOOD" is.

1. That, your humble petitioner is serving as the Area Organiser, SSB, Kokrajhar Area of North Assam Division during the period 1993-94.
2. That, there are 5 (five) different Areas namely (i) Tinsukia, (ii) North Lakhimpur, (iii) Tezpur, (iv) North Karap, and (v) Kokrajhar Area which consist of 4 (four) Districts-(i) Kokrajhar (ii) Bongaigaon, (iii) Dhubri and (iv) Goalpara where the ABSU (All Bodo Students Union) agitation on Bodo Land issue since 1997 remained to continue in endless series of violence, crippling the socio-economic and political life in acute crisis.

contd...

Attested by
Roudhrey
Attorney

3. That, out of the 3 (five) Areas, Kokrajhar Area, headed by your humble petitioner had been selected and declared as "the best Area" by the D.O., SSB, NAD for "ALL INDIA SSB DUTY MEET" Competition during the period of 1993-94 and participated in "the best Area Competition" of North Eastern Zone at Group Centre Debendranagar in the month of September, 1993. This has been reflected/incorporated in your humble petitioner representation No. PF-4-67/93-94/432 dated 12.8.1994 at para-8 (eight) submitted to the Director, SSB R.K. Puram, New Delhi.

4. That, your humble petitioner in addition to normal duties achieved the Annual Target for 1993-94 and conducted 202 (two hundred two) numbers of "National Integration Camps (NIP)" against a Annual Target of 100 (one hundred) Nos NIPS and thereby achieved "double" the Annual Target under Head Training for 1993-94. This has also been incorporated in my representation No. PF-4-67/93-94/432 dated 12.8.1994 at para-9 (nine) and as well as in the "Annual Administrative Report-1993-94" of Kokrajhar Area and submitted to the higher Hqs. vide No. 997 dated 17.4.94.

5. That, having being performed so much so as stated the foregoing paras, the then D.O., SSB, North Assam Division Shri S.R. Sharma recorded in C.R. of your humble petitioner of 1993-94 and commented upon that "he is an experienced Officer" but his performance has not been up to the expectation and finally graded as "AVERAGE" which inspired malice, incorrect, false, unfounded, flattering, prejudicious, bias and inconsistent. It is clearly founded and aimed at to detriment the career of your petitioner and cent percent violative and defeatative of the established, existing Rules:

and all norms and quite contradictory to C.R. - "Objectives, result/performance oriented appraisal system" and "Principles". Your kind attention is invited to chapter-20 on C.R. Rule -1, 0,1,2,4 and Rule-10 (2) as also as emphasised in Government Orders .

1) C.S.-O.M. No. 51/5/72-Ests. (A) dated the 20th May ,1972 para-2.1.

(ii) C.S.-O.M. No. 51/5/72-Ests. (A) dated the 20th May ,1972 of para -7 and

(iii) Para-174(9) of P & T. Manual Vol-III.

6. That, having received the adverse ACR communication on 20.7.1994 for the period 1992-94 from the D.O., SSB, NAD VIDE No. NAD/COA/ACR-7/94(73) dated 27th June, 1994. Your humble petitioner represented to the Director, SSB, S.K. Puram, New Delhi vide No. PF-4-67/93-94/422 dated 12.6.94 i.e. within 22 days from the date of receipt on 20.7.94, but before the "TIME LIMIT" of 30 (THIRTY) days, adducing all the facts, result/performance oriented appraisal as stated in the foregoing para 3 for disposal of your humble petitioner representation but till 9.9.96 (9.9.1996) no "disposal information" whatever has been communicated/received by the representor/petitioner for the reason best known to them and it is still "PENDING DISPOSAL".

7. That , finding no other alternative, your humble petitioner also submitted an Appeal to the Principal Director through proper channel on 9.9.1996 and the same has been forwarded by the D.I.G., SSB, Kohima, Nagaland vide his No. DICK/HNS/AD3/PF/96/7381 dated 18th October 1996 to the higher Hqs. but its "disposal", too, still "PENDING DISPOSAL" for the reason best known to them .

contd....

(33)

W6

4.

8. That, in so far as para-6 and para-7 above are concerned, your humble petitioner doth hereby draws your kind perusal attending towards C.R. Rule-6.3 and 11 for the expunction of the said adverse remarks-upgrading it to-"VERY GOOD" reading with Rule 8.6.11 interalia and taking into consideration of ..

- i) Rule-22 and
- ii) Rule-174(12) of P & T Manual -Vol-III.
- iii) Rule-23 and

G.I.D.P. & A.R. O.M. NO. 21011/1/77 Est. dated the 30th January, 1997, since the adverse remarks on the petitioner's C.R. for the year 1992-94 "should not be deemed to be operating" being representation filed within the mandatory time of 3 (three) months is over.

9. That, not with standing anything contained in the foregoing paras-para-1 to para-8., a doubt has also arose to your humble petitioner and it become imperative to have a clear idea/knowledge of the "overall grading" of his C.R. for the year 1992-93 recorded by the same Officer, the D.O., SSG, NAD for-"summing up the legal aspect and position" in regard to the petitioner C.R. reading with C.R. Rule-10.13 (S.S.S. Venkata Rao -Va-State of Orissa, 1975, SL-J.266 (F.R.) Orissa).

OPERATION STAYAL OF DPC HELD IN APRIL, 1997 FROM A.DS/COMDTS.

TO D.I.C. AND REVIEW DPC THEREON.

10. That, your humble petitioner reliably learnt that a DPC was held for the promotion of ADS/COMDTS to D.I.C. some-times in the month of April, 1997 and that your petitioner being

contd...

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3.

the "Senior most" amongst the A.Os in SSB as per the "Seniority List of A.Os" circulated vide D.O. SSB, Manipur and Nagaland Division No.1/8(1)-E/93/MD/13174-76 dated 19.12.93. Your humble petitioner name should have figured in the promotion panel of the said DPC.

11. That, a doubt has also arose to your humble petition that if the C.Rs of 1992-93 (non communicated) and that of 1993-94 (communicated and pending disposal/decision) are taken into consideration, the petitioner may not likely to award the require "Bench mark" since C.Rs are the "BASIS" and the "Primary" record of a DPC in so far as "Seniority and promotion Rules" in Central Government Service is concerned vis a vis "non production of material facts to the notice of the DPC and thereby commission of grave errors in the procedure of followed by the DPC vide Rule-18(1).

12. That, Sir, your humble petitioner belongs to Schedule Tribe of Koch Rajbongshi community as per (Scheduled Tribes) order (Amendment) ordinance No. 9 of 1996 and your petitioner claimed S.T. status and furnished ST certificate as per Appendix 14 and Appendix-15 as appeared in the Brochure on the reservation for SC/ST. Having protected correspondence "on the plea of the other" right from 27.2.1996 to 8.4.1997, your humble petitioner has been asked by the SSB Directorate to furnish again the original and the photocopy, of ST certificate only on 9.4.97 vide their No.22/SSB/12/82(18)-11/1340 dated 9.4.97 that to at a time when the DPC was due to held during the said month-April 1997, just to deprive your petitioner from the Constitutional Rights as envisaged in the case of SC/ST Officer(s) in Rule-6.2.3 (1) of the "Seniority promotion" in Central Govt.

contd...

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Service. The modes operandi appears to have done for some vested interest to promote the juniors to the petitioner in the said DPC in serial N. 4 (four) and serial No. 6 (six) of the seniority list of A.Cs in SSB.

12. That, notwithstanding anything contained in the foregoing paras, para-1 to 12, "to sum up of the legal aspect/position" in regard to C.R. Rule-10, it is pertinent that your humble petitioner has been adversely affected by the prejudicial C.R. recorded without fullest consideration under Rule-15 (2) and thereby deprived of all the legal aspects and Constitutional Rights to your petitioner and therefore humbly prays for :-

1) Expunction of the C.R. 1992-94 and awarding/upgrading to "Very Good" pertaining to C.R. Rules as elucidated in the foregoing paras, para-1 to 9, reading with C.R. Rules chapter-20 -

(1) Rule-6.1.2.4.

(2) C.S.O.M. No. 51/5/72-Pts (A) dated the 20th May, 1972, para-2.1.

(3) C.S.O.M. No. 51/5/72 Pts(A) dated 20th May, 1972, para-7.

(4) Rule-8.3.6.11.

(5) Rule-22 & Rule-174(12) of P & T Manual Vol-III.

(6) Rule-23 reading with G.I.D.F. & A.R. O.M. No. 21011/1/77 dated the 30th June, 1978.

2. To uphold the operation of the DPC held in April, 1997 for the promotion of A.C.S/Comdts. to D.I.C. reading with "Seniority and promotion in Central Govt. Service."

contd...

7.

- (1) Rule-23.
- (2) Rule-6.3.2., G.O. I Dept of Personnel and Training O.M. No.22011/
- (3) Rule-18.1. S/26-Estt. (D) dated the 10th April, 1989., for upholding a "Review DFC".

And for this act of your kindness, your humble petitioner will remain ever grateful to your precious and of justice for the legal welfare to a "down-trodden" and "Socially weaker section of Officials".

Yours faithfully,

Sd/- (H. H. SINHA)

Area Organizer, SSB(Staff),
of D. I. G. HQRS. OFFICE, KOHIMA
NAGALAND.

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ANNEXURE - IV

No. 1/8(1)-E/95/MD/13174-76
Directorate General of Security
Office of the Divisional Officer
SSB Manipur and Nagaland Division
Imphal-795001.

Dated the, 19.12.95. /

MEMORANDUM

Subject :- Seniority list of Area Officer in SSB as on
30.11.1995.

While forwarding herewith draft seniority list of Area Officer in SSB, as on 30.11.1995, it is requested to point out any discrepancy, objection etc., if any at the earliest so as to point out the same to the SSB Directorate by 31.12.1995.

Incl:- As above.

Area Officer (Admn).

To

1. Shri H.N. Singh
Area Officer(S) O/o D.I.O., SSB Kohima.
2. Mr. Kanala Das
Area Officer, SSB Imphal.
3. Shri (Pravishand) Div. H.
Area Officer (Admn) Div.HQ.

Contd....

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TENTATIVE SENIORITY LIST OF AREA ORGANISERS
AS ON 15.11.95

Sl. No.	Name	SC/ST	Date of birth	Educational Qualification	Date of appointment in the grade of Area Organiser.
1.	2.	3.	4.	5.	6.
	S/Shri				
1.	S.S. Thakur	-	14.1.39	B.Sc	3.3.84 <u>31.1.1997</u>
2.	H.N. Singha	-	31.3.42	B.A.	5.3.84
③	B.C. Bora	-	1.1.38	B.A.	20.2.84 <u>31.12.1996</u>
4.	Lebsang Rinchin	ST	2.2.51 ✓	Inter	27.2.84
5.	P.S. Kaintura	-	10.9.39	B.A.	14.1.87 (AN)
6.	G.S. Sayana	ST	12.2.47	B.Sc	13.7.87
7.	Romesh Lal	ST	9.6.44	B.A. B.Ed-	1.2.87
8.	A.K. Bhardwaj	-	1.6.43	B.Sc (Agri)	30.3.88
9.	K.D. Singh	-	4.4.45	M.Sc	4.4.88 (AN)
10.	D. Bharali	ST	1.2.40	B.A.	30.4.88 (AN)
⑪	N.R. Guha	-	23.2.38	B.A.	8.11.91 (AN)
12.	J.S. Chambial	-	20.11.45	B.A. B.Ed.	7.11.91
13.	S.N. Sharma	-	15.1.39	Inter (Hons. in Hindi)	28.11.91
14.	B.K. Anand	-	1.11.41	FA	6.11.91
15.	G.R. Marwaha	-	20.11.46	BA, LLB	26.11.91 On depu. to NSG.
16.	G.N. Deka	ST	24.3.48	M.A.	12.12.91
17.	I.C. Sharma	-	17.4.45	B.Sc. LLB	4.11.91 (AN)
18.	Kishori Lal	SC	26.1.48	B.Sc.	7.11.91
19.	R.S. Gill	-	6.6.48	B.A.	23.11.91
20.	S.S. Katoch	-	23.9.41	B.A.	7.11.91
⑫	A.K. Chakraborty	-	18.10.38	B.A. BT	11.12.91
22.	B. Dandopadhaya	-	9.7.47	B.A.	26.5.93
23.	Jatinder Singh	-	15.8.46	B.Com	27.5.93
24.	H.C. Pande	-	10.9.48	B.A.	26.5.93
25.	Gangesh Chaudhury	-	9.7.43	B.A.	26.5.93
26.	P.C. Shah	-	7.10.45	M.A.	7.6.93
27.	B.P. Semwal	-	14.5.43	B.A.	27.5.93

Contd....2/-...

1.	2.	3.	4.	5.	6.
28.	R.S. Negi	ST	27.3.39	B.A.	29.6.93
29.	K.C. Sarkar	SC	9.1.48	B.A. B.Ed	28.5.93
30.	Ms. Kamala Das	SC	23.5.47	B.A.	16.8.93
31.	Bhagwan Dass	SC	4.8.48	B.A.	5.7.93
32.	T.C. Shandle	-	14.6.46	M.A.	6.11.95
33.	R.D. Sharma	-	11.12.46	B.A., B.Ed	25.9.95
34.	N. Pal Choudhury	-	1.10.47	B.A.	12.9.95
35.	C.B. Cli	-	15.4.40	M.A.	28.7.95
36.	Amarjeet	SC	4.11.48	B.A.	29.8.95
37.	S.K. Rawat	-	19.5.48	B.Sc.	31.7.95

Mohandus

EXTRACT FROM SSB DIRECTORATE CONFIDENTIAL MEMO NO. 22/SSB/A2(18)
1030 DATED 06.3.98 ADDRESSED TO DIVISIONAL ORGANISER, M&N
DIVISION, IMPHAL, A.P. DIVISION, ITANAGAR, N.A. DIVN. TEZPUR
AND OTHERS.

Subjects- Expunction of adverse remarks on ACR for the year 1993-94.

Please refer to your Memo No. HNS/AO-98/MD/1022-25
dated 6.12.97 forwarding representation of Shri H.N. Singha, A.O.
Kohima (now posted to Bomdila A.P.) regarding expunction of
adverse remarks recorded in his ACRs for the year 1993-94.

2. The representation of Shri H.N. Singha, A.O. has been
carefully considered by the Director, SSB. The order passed by
Director SSB in this regard are re-produced below :-

"After going through the record it is felt there is
no justification in anyway amending the remarks recorded in
the ACR, as they are warranted by record on the subject."

3. Shri H.N. Singha, Area Organiser may be informed
accordingly.

Memo No. AP/CONF/A-1(8)98 Itanagar the 17th Mar/98.

Copy to:-

1. Shri H.N. Singha, Area Organiser, SSB, Bomdila.
2. The Divisional Organiser, Manipur and Nagaland Division,
Imphal for information.

Sd/- T. Nangaiyal)
Dy. Inspector General,
A.P. Division, SSB, Itanagar.

Attested by

Choudhury
Adverts

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ANNEXURE - VI
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.213 of 1997

Date of decision: This the 16th day of November 1999

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Harendra Narayan Singha,
Area Organiser (Staff),
S.S.B., Kohima, Nagaland.

.....Applicant

By Advocates Mr B.K. Sharma,
Mr M. K. Choudhury and Mr S. Sarma.

- versus -

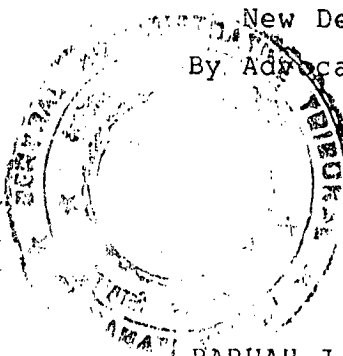
1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Cabinet Affairs,
New Delhi.
2. The Director General of Security,
New Delhi.
3. The Principal Director, S.S.B.,
New Delhi.
4. The Director, S.S.B.,
New Delhi.
5. Shri S.K. Sharma, Retired Divisional Organiser,
S.S.B.,
C/o Director, S.S.B.,
New Delhi.

.....Respondents

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

.....

O R D E R



BARUAH.J. (V.C.)

In this application the applicant has challenged the Annexure 2 Memorandum dated 27.6.1994 communicating the adverse remarks to the applicant and also seeks direction to the respondents to consider his case for promotion to the next higher grade of DIG within a time frame and also other consequential benefits.

B

Attested by

Choudhury

2. Facts of the case are:

The applicant joined service as Circle Organiser in the year 1967. Thereafter he was promoted to the rank of Sub Area Organiser in 1975. In 1984 he was further promoted to the post of Area Organiser. In 1992 his next promotion to the rank of DIG/Deputy Director became due on completion of eight years of service as Area Organiser. According to the applicant he is the seniormost Area Organiser. During his tenure he performed his duties diligently and earned reputation as a meritorious officer. According to him in addition to his normal duties, he achieved double the annual target in respect of National Integration Camp. All these have been reflected in his ACR for the period 1993-94.

3. On 27.6.1994 the applicant received a communication about the adverse remarks as mentioned in the Annexure 2 Memorandum. Because of the adverse remarks the applicant, though he was the seniormost and had otherwise a good reputation, was not promoted. According to the applicant the adverse remarks made by the Reviewing Authority was without any basis. There is nothing in the record to show that he deserved such adverse remarks. Being aggrieved, the applicant submitted Annexure 3 representation dated 12.8.1994. But the said representation was not disposed of within the period of six months. Situated thus, the applicant filed the present application on or about 29.7.1997. The application was admitted and notice was issued.


4. In due course the respondents have entered appearance and filed written statement.

X/

5. During the pendency of the application the 4th respondent disposed of the representation rejecting the claim of the applicant and it was communicated to the applicant by Annexure 8 order dated 17.3.1998 issued by the Deputy Inspector General, A.P. Division, SSB, Itanagar.

6. The subject matter of this application is mainly for expunction of the adverse remarks against which the representation was filed, but not disposed of and also for subsequent promotion. We do not understand how the 4th respondent could dispose of the representation pending disposal of this application in view of the provisions contained in Section 19 (4) of the Administrative Tribunals Act, 1985.

We have heard both sides. Mr S. Sarma, learned counsel for the applicant submits that there was no meaning in disposing of the representation in view of the fact that as per provision of Section 19 (4) of the Administrative Tribunals Act, 1985, after admission of the application, every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate. Mr Sarma further states that the adverse remarks were entered into the ACR without any reason and not supported by records. Mr B.S. Basumatary, learned Addl. C.G.S.C. very fairly submits that there is no record available to come to that conclusion. If according to the Reviewing Officer the applicant deserved such adverse remarks, at least, there should be some explanation for that.



8. We have perused the contents of the ACR and the adverse remarks. The ACR shows the summary of the courses attended by the applicant and the grading obtained by him is 'very good'. Besides, the ACR also shows that the applicant can read, write and speak a number of languages including Bodo language. In the general remarks section it is shown that the applicant is a fit person to get promotion in turn. The Reporting Officer also found him an experienced officer with average quality. Besides the applicant belongs to the Other Backward Community. The Reviewing Officer has opined that the applicant's performance has been made very objectively by the Reporting Officer. However, the Reviewing Officer summed up his remark as "A experienced officer, but his performance has not been upto expectation". On what basis the Reviewing Officer came to this conclusion is not known. The Annexure 8 order dated 17.3.1998 disposing of the representation of the applicant is also not a speaking order and it does not indicate anything.

9. In view of the above we find it difficult to accept the adverse remarks made by the Reviewing Officer. Accordingly we set aside the Annexure 8 order dated 17.3.1998 and direct the respondents to dispose of the representation of the applicant by a reasoned order as to how the adverse remarks could be made. This must be done as early as possible at any rate within a period of one month from the date of receipt of this order.

10. The application is accordingly disposed of. No order as to costs. **Certified to be true Copy**

प्रमाणित प्रतिलिपि

Deputy Registrar (D)
Central Administrative Tribunal
Guwahati Bench

Sd/-VICECHAIRMAN
Sd/MEMBER (A)

18/11/55

No. 22/SSB/A-82(18)-II-3667-69.
DIRECTORATE GENERAL OF SECURITY.
(Cabinet Secretariat).
East Block-V, R.K. Puram .
New Delhi -110066.

Dated the 29.12.99.

MEMORANDUM .

In compliance of the order dated 16.11.99 of Central Administrative Tribunal, Guwahati Bench, in O.A. No. 213/97 filed by Shri H.N. Singha, the applicant -Vs- UOI & others, the undersigned has carefully considered the representation dated 25.6.97, submitted by the applicant, which is annexed as Annexure-V to the above O.A. A certified copy of the CAT order dated 16.11.99 was received by Respondent No.4 on 2.12.99.

2. The applicant has raised the following points in the representations for consideration .

- a) Out of five Areas, Kokrajhar Area headed by the applicant was declared as " the Best Area" by the D.O. North Assam Division during All India Duty Meet competition.
- b) That, in addition to his normal duties, he achieved the annual target for 1993-94 and conducted 202 NIP Camps.
- c) That , D.O. North Assam Division gave him 'Adverse' remarks and also graded him as "Average" which was inspired by malice, prejudice, bias and inconsistency against him . It was intended to harm his career .
- d) That, he made representation against "Adverse " remarks within the stipulated period of 30 days .

Witnessed by
[Signature]
Secretary

contd...

e) That, DFC held in April, 1997 for promotion of Area Organiser to the rank of DIG, took into account these remarks and he, being the seniormost Area Organiser in the SSB, should have figured in the promotion list.

f) That, he belong to ST and that he has been adversely affected due to prejudicial recording of adverse remarks.

He has, therefore, prayed the "Adverse" remarks recorded in his ACR be expunged and his report upgraded to "very good".

3. That, the Respondent No.4 in pursuance of the order of the Hon'ble CAT, Guwahati Bench, perused official records and after careful consideration of the points raised above, by the applicant, observes that

A) With regard to the points raised in para 2 (a) to para 2 (c), Respondent No.4 has gone through the following correspondences which were issued by the D.O., SSB, North Assam Division to the applicant relating to his performance in the field during the year 1993-94 and applicant having been warned in writing on three different occasions about the shortcomings in his functioning and attitude, the adverse remarks given in the ACR for 1993-94 are awarded objectively and are fully justified.

I) D.O. NAD's Memo No. 9488 dated 15.9.93.

* Overall working needs to be improved.
The performance of Kokrajhar needs to be improved.

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Officer is advised to concentrate on operational preparedness and checking of field work/targets etc. Also he needs to supervise and guide his subordinates properly".

II) Memo No. 11313 dated 4.11.93.

" There seems to be no effect or change in the attitude of Area Organiser and his working needs still lot of improvement The progress of the Area has not been satisfactory. It seems that AO has (not) been taking my inspections/observations seriously and continuing to flout the orders"

III) Memo No. 12250 dated 2.12.93.

" . . . Officer is advised to do his job rather than doing his subordinate's job . . . AO is also required to bring about more effective improvement in Area's Int. net work and reporting . . . "

The Best Area competition was conducted for the Eastern zone in October, 1993 by a Board of Offices detailed by the SSB Dte, in which out of four Areas, the Kokrajhar Area secured only third position, not first as claimed by Shri Singha .

B) With regard to points raised at para 2 (d), Respondent No.4 had not received any representation, now annexed as Annexure-III to the OA.

C) With regard to points raised at para 2 (e) above, the applicant was duly considered by the DPC held in the

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year 1997, alongwith others, but he could not make the grade due to his overall performance , which was considered by the DPC .

D) With regard to points raised at para 2 (f), it is correct that the applicant belongs to ST Community . However, no prejudice has been caused to the applicant on account of his belonging to ST community, as the remarks in the ACR have been reviewed by the Reviewing Officers, who has also assessed the overall performance of the applicant as 'Average' during the period covered in the ACR, with-out any prejudice or malice .

4. That, the present incumbent working as Respondent No.4 is only holding current charge of Director, SSB and therefore, the Principal Director, who is Respondent No.3 in the above mentioned OA, is vested with the statutory powers and in exercise of the said power , I have considered the points raised by the applicant as mentioned in para 2 supra , and the Official communications mentioned in para 3 above and after careful consideration of the representations and the objective assessment made in the ACR of the applicant during the period 1993-94 . by the Initiating Officer and Reviewing Officer on the overall performance of the applicant. I do not find any justification for amending the remarks endorsed in the ACR by the Reviewing Officer .

5. In view of the foregoing, the undersigned has come to the conclusion that there is no merit in the representation of the applicant and, therefore, upholds the remarks already endorsed by the reviewing authority

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in the ACR of the applicant for the year 1993-94 .

Sd/- Illegible,

28.12.99

To

(N.S. SANDHU)

Shri H.N. Singha Principal Director.

Area Organiser,

Through D.O.A.P.

Division, Itanagar (A.P.)

N.O.O.

Copy forwarded for information to :-

1. The Divisional Organiser, SSB, A.P. Division
Itanagar .

2. The Divisional Organiser, SSB, NA Division, Tezpur .

Sd/- Illegible,

Principal Director .

.....

Original Application No. 92 of 2000.

Date of order : This the 16th day of March, 2001.

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

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

Shri Harendra Narayan Singha
Son of Late Girish Ch. Singha
Area Organiser
Special Service Bureau
(SSB), Bomdila West Kameng District,
Arunachal Pradesh

...Applicant.

By Advocate Mr. G.N.Das.

-versus-

1. Union of India
(Represented by the Secretary to the
Government of India,
Ministry of Cabinet Affairs,
New Delhi)
2. Director General of Security,
Bikaner House, Shahjahan Road,
New Delhi-110011.
3. Principal Director,
S.S.B., East Block-V,
R.K.Puram,
New Delhi-110066.
4. Director, S.S.B.,
Block V East, R.K.Puram,
New Delhi-110066.
5. Divisional Organiser
North Assam Division,
S.S.B., Tezpur
District-Sonitpur(Assam).
6. D.I.G., S.S.B.,
North Assam Division,
SSB, Tezpur
District-Sonitpur(Assam)

....Respondents

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

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

This application has been filed under Section 19
of the Administrative Tribunals Act, 1985 assailing the
adverse remarks recorded in the Annual Confidential Report

Attested by
Chowdhury
Attested

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for the year 1993-94 and promoting the respondent no. 3 and thereby superseding the applicant from promotion and also the order dated 29.12.1999 passed by the respondent no. 3 rejecting the representation of the applicant. The basic facts relevant for the purpose of adjudication are summed up below :

The applicant is presently holding the post of Area Organiser in the Special Service Bureau (hereinafter referred to as SSB). The applicant initially joined this organisation on 27.4.1967. Circle Organiser. Subsequently he was promoted to the post of Sub Area Organiser on 24.4.1995 and thereafter he was promoted to the post Area Organiser on 5.3.84. As per the SSB (Senior Executive) Service Rules, 1977 the Area Organiser with a minimum of 8 years of regular service is required to be promoted to the rank of Deputy Director/D.I.G.. The applicant became eligible for promotion in the year 1992. During the year 1994-95 the applicant was posted at Kokrajhar as Area Organiser for the period between April 1991 and July 1995. The post of Deputy Inspector General (hereinafter referred to as D.I.G.) heading the North Assam Division at Tezpur was vacant and consequently the Inspector General/Divisional Organiser at Tezpur was holding both the posts concurrently. Shri S.K. Sharma was the Inspector General/Divisional Organiser at Tezpur at that time. Sri Sharma while function as Deputy Inspector General at Tezpur in addition to his own duties as Inspector General/Divisional Organiser had initiated the A.C.R. of the applicant for the year 1993-94 in the absence of the DIG. It was stated that the reporting officer graded the applicant very good in the ACR of the applicant for the year 1993-94 and in the general remarks column it was shown by Sri Sharma, reporting officer remarked that the applicant was fit to get promotion in turn. The same Sri

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in this case acted as Reviewing Officer as he was the Inspector General/Divisional Organiser at Texpur at that relevant time. He summed up his remark that the performance of the applicant was not up to the expectation. The Reviewing Officer made the adverse remark for the ACR of 1993-94 against the applicant in the absence of the D.I.G. The said adverse remark was communicated to the applicant vide memorandum No. NAD/CON/ACR-7/94(73) dated 27.6.1994 by the Divisional Organiser. The full extract of the said communication is reproduced below :

" In his ACR for 1993-94 in respect of Shri H.N.Singha, Area Organiser, it has been commended upon that he is an experienced officer but his performance has not been upto expectation. The officer has been finally grades as 'Average.'

2. Shri H.N.Singha is expected to make efforts to improve upon and make good of the deficiencies. However he may like to represent to the competent against the aforesaid remarks within 30 (thirty) days of the receipt of this memorandum.

3. This memo is issued in duplicate - one copy of which should be returned promptly to this office duly accepted and signed by Shri H.N.Singha, AO."

The applicant submitted a representation dated 12.8.1994 with prayer for expunction of the adverse remarks. The applicant referred a certificate issued by the Area Organiser, Kokrajhar testifying that the representation of the applicant, Area Organiser, SSB, Kokrajhar on his A.C.R. for the year 1993-94 was sent to New Delhi, vide A.O. SSB, Kokrajhar office No. 432 dated 12.8.94 under Registered letter Receipt No. 2234 dated 14.8.1994 of Kokrajhar Post Office. The applicant thereafter also submitted a representation to the Principal Director, SSB, New Delhi through proper channel. The said representation of the applicant was forwarded by the Dy Deputy Director General on 18.10.1996 to the Divisional Organiser, Manipur and Nagaland Division, Imphal. Failing to get any appropriate response the applicant finally submitted a representation dated 25.6.1997 directly to the Director

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General of Security, Cabinet Secretariat praying for expunction of adverse remarks made in the ACR of 1993-94.

The applicant thereafter moved the Tribunal by way of the instant O.A. challenging the adverse entry and also praying for a direction for consideration of promotion to the post of DIG from the date when his juniors were so promoted. By order dated 17.3.1998 the representation dated 6.12.1997 submitted by the applicant was rejected during the pendency of the O.A.. The Tribunal finally disposed of the O.A. by order dated 16.11.1999 setting aside the order dated 17.3.1999 and directing the respondents to dispose of the representation of the applicant by a reasoned order. The Tribunal also disapproved the conduct of the respondents in disposing the representation pending disposal of the application on the face of the provisions of the Administrative Tribunals Act. By the impugned order dated 29.12.99 the aforesaid representation dated 25.6.97 was finally rejected by the Principal Director, Director General of Security, New Delhi. Hence the application.

2. Mr. G.N.Das, learned counsel for the applicant submitted that on 9.4.1997 two junior officers were promoted to the post of DIG superseding the claim of the applicant. Mr. G.N.Das submitted that the respondents could not have by passed the case of the applicant for promotion on the basis of purported ACR for the year 1993-94, against which representations were pending before the authority. The learned counsel for the applicant further submitted that the adverse entry in the ACR for the year 1993-94 was reviewed by the same officer who also happened to be the reporting officer. The learned counsel submitted that the reporting officer (the same officer) found the applicant fit for promotion and after three months the same officer found fault with the applicant and made the aforesaid adverse entry. The learned counsel

Contd.....

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further submitted that the conduct of the Reviewing Officer - Sri S.K.Sharma was improper since the same authority also happened to be the reporting officer. Mr. G.N.Das lastly assailing the impugne order dated 29.12.99 issued by th respondent No.2 submitted that while disposing the representation of the applicant did not apply its mind to the material facts as pointed out in his representation and mecahnically passed the impugned order. Mr. A.Deb Roy, learned Sr. C.G.S.C. countering the submission of the learned counsel for the applicant submitted that the case of the applicant was duly considered by the Departmental Promotion Committee and since the applicant did not obtain the bench mark the DPC could not considered him fit for promotion. Mr. Deb Roy further submitted that since it was the slection post other junior officer who had higher bench mark were considered for promotion. He further submitted that respondent no.3 did not find any merit in the representation of the applcant dated 6/12/9177 and accordingly rejected.

Admittedly the represenation of the applicant for the first time disposed of on 17.3.1998 which was set aside by the Tribunal on 16.11.1999 in O.A. No. 13/97. The DPC held on 1.4.97. The DPC could not have acted on the alleged adverse entry made in the ACR for the year 1993-94. The law in this regard is well settled in view of the decision rendered in the case of Gurdial singh Fijis (AIR 1979 SC 1622) followed in relied upon in the case of Amar Kant Choudhary vs. State of Bihar & Ors (1984 SC 531). That apart the aCR recorded by Sri S.K.Sharma the then IG/Divisional Organiser, Tezpur who was also holding the charge of DIG of the Division could not have acted as Reviewing Officer. For that ground also the ACR of the applicant for the year 1993-94 ought not to have been acted upon. The respondents could have remedied the situation by placing the ACR before the superior officer which was not

Contd..

done in this case.

5. The respondent No.2 while rejecting the representation of the applicant pursuant to the direction of the Tribunal did not go into those aspects of the matter and passed the order without taking into account the relevant facts. We held that the respondents were not justified in overlooking the case of the applicant for promotion in the year 1997 on the basis of ACR of 1993-94 and accordingly direct the respondents to hold review DPC to consider the case of the applicant on the basis of the available records without taking into account the ACR for the year 1993-94. In the circumstances the order dated 29.12.1999 cannot be upheld and accordingly the same is set aside. The respondents are also directed to complete the aforesaid exercise within a period of three months from the date of receipt of a certified copy of this order.

6. The application is allowed to the extent indicated above. There shall, however no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

TRUE COPY
प्रतिप्रति

Section Officer
अनुभाग अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati
गुवाहाटी न्यायपीठ, गुवाहाटी

27/4/2001

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-56-

ANNEXURE

-IX

69

CONFIDENTIAL

No.35/SSB/A2/2000(1)
 MINISTRY OF HOME AFFAIRS
 O/O THE DIRECTOR GENERAL,SSB
 BLOCK-V (EAST), R.K.PURAM,
 NEW DELHI - 110 066.

DATED:

19th July 01

MEMORANDUM

Sub:

OA No.92/2000 titled Shri Haranirra Narayan
Singha, Area Organiser, SSB Vs. Union of
India & Others - holding of review D.P.C
for considering his case for promotion to
the post of Deputy Inspector General in
compliance with CAT Guwahati judgement
dated 16-03-2001.

In pursuance of Para-5 of Hon'ble CAT Guwahati judgement dated 16-03-2001 in the abovementioned OA filed by Shri H.N. Singha, Area Organiser, SSB, a review DPC was held on 04-07-2001 to consider promotion of Shri H.N. Singha, A.O to the rank of Deputy Inspector General. The said D.P.C reviewed the minutes of the DPCs held on 29-04-97, 10-03-98, 27-04-2000 and 27-11-2000 for promotion of Area Organisers to the rank of DIG and considered the case of Shri H.N. Singha. AO on the basis of available records without taking into account his ACR for the year 1993-94 as directed by the Hon'ble CAT. The said review DPC has not recommend Shri H.N. Singha for promotion to the grade of Deputy Inspector General as he still could not make the prescribed bench mark i.e "Very Good" on either of the occasions mentioned above even after excluding the ACR for the year 1993-94.

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Attested By

[Signature]
 Attested

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The recommendation of the review DPC has been approved by Ministry of Home Affairs, Govt. of India vide Dy.No.F.1288/HMP-2001 dated 10-07-2001.

(A.K. BHARDWAJ)
DEPUTY INSPECTOR GENERAL (EA)

To

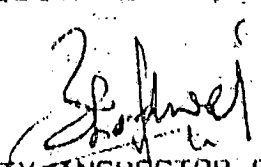
Shri H.N. Singha,
Area Organiser, SSB
Kokrajhar Area,
through D.O
North Assam Division
Tezpur.

Copy forwarded to the Divisional Organiser, SSB North Assam Division, Tezpur for information and handing over the above memorandum to Shri Singha under proper acknowledgement. His acknowledgement may be sent to this Directorate at the earliest. Shri K.K. Mohanta, CGSC in the case may also please be informed about the compliance of CAT order.

DEPUTY INSPECTOR GENERAL (EA)

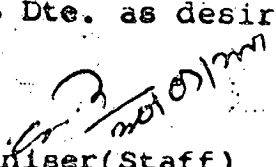
N.O.O

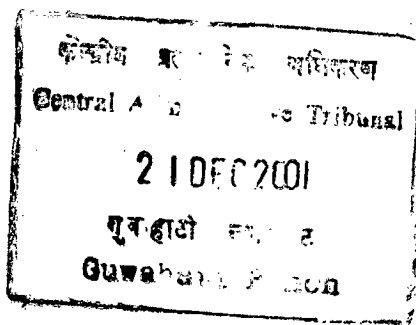
✓
Copy to Assistant Director (NGO), SSB Hqs. for information.


DEPUTY INSPECTOR GENERAL (EA)

Memo No.III/5(6)/ESTT/2001/ 1822 Dated. 20.7.2001.

Copy to :- ✓ Shri H.N.Singha, Area Organiser, SSB, Kokrajhar for information. ~~XXXXXXXXXX~~ The receipt of the above Memo of SSB Dte. may please be acknowledged for onward submission to SSB Dte. as desired.


Area Organiser (Staff)
NAD, Tezpur.



In the Central Administrative Tribunal
Guwahati Bench at Guwahati

O.A. No. 424/2001

Shri H.N. Singha

..... Applicant

Versus

Union of India and others

..... Respondents

(Written statement for and on behalf of the respondents number 1 to 6)

- 1) That a copy of the O.A. no. 424/2001 (referred to as the application has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, the common written statement is filed for all of them jointly.
- 2) That statements made in the application except those, if any, which are specifically admitted, are hereby denied by the respondents.

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Divisional Organiser SSB
N. A. Division Tezpur

3) That before traversing the various paragraphs of the application, the answering respondents beg to give a brief resume to the case by clarifying certain points and also to show that the application is not maintainable as barred by the principles of res-judicata and the same are as follows-

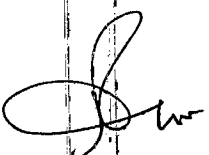
i) The administrative control of SSB Organisation, in which the applicant is working, has been shifted to the Ministry of Home Affairs from Cabinet Secretariat vide Cabinet Secretariat Order No. 1/2/2001-EA-1-133 dated 15-01-2001 (Annexure-R-1). Subsequently vide MHA order No. I-45026/3/2001-Pers-II dated 20-03-2001(Annexure R-2) the designation of Principal Director and Director SSB were changed as Director General and Additional Director General SSB. Hence the respondent No. 1 i.e. UOI through Cabinet Secretary, Respondent No. 2 i.e. Director General of Security. Respondent No. 3 i.e. Principal Director and Respondent No. 4 i.e. Director, SSB are no more in existence in array of the Respondents in its present form. It is therefore respectfully pray to substitute the names Cabinet Secretary and Director General of Security with that of Home Secretary and Director General, SSB being respondents No. 1 & 2 respectively. The respondent No.3 & 4 being Principal Director and Director, SSB respectively may kindly be deleted


Divisional Organiser SSB
N. A. Division Tezpur

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from the application as the administrative control of the SSB has been transferred from Cabinet Secretariat to Ministry of Home Affairs with effect from 15-01-2001 in accordance with Government of India (Allocation of business) Rules 1961.

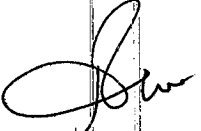
- ii) The subject matter i.e. promotion of the applicant to the grade of Deputy Inspector General vis-à-vis expunction of adverse remarks in the ACR has been repeatedly agitated by the applicant through various representations and Court cases in the past. The main prayer of the O.A. No.92/2000 (judgement of which annexed as annexure- VIII with this O.A.) and the present O.A. is the same is as admitted by the applicant himself in paras 11 to 14 of the O.A. The directions of the Court as given in the O.A. No. 92/2000 were duly complied with by the respondents by holding DPC on 4/7/2001 without taking into account the ACRs for the year 1993-94 and in the event of not acquiring the minimum bench mark i.e. Very Good, the applicant could not be recommended for promotion and accordingly the applicant was informed by the respondents through a reasoned/ speaking communication dated 19/7/2001 (Annexure -IX to O.A.). It is, therefore, submitted before the Hon'ble Tribunal that the present O.A. badly suffers from the doctrine of Res-judicata and being barred as in liable to be dismissed, summarily.


Divisional Organiser SSB
N. A. Division Tezpur

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(Page- 4)

4. That with regard to the statements made in Para- 1, 2 and 3, the answering respondents state that the contents are matter of record and therefore, need no reply. However, anything contrary to the record is vehemently denied.
5. That with regard to the statements made in Para 4.1, the respondents state that the applicant joined this organization as Circle Organiser on 27/4/67 and was subsequently promoted as Sub Area Organiser and Area Organiser. As per SSB (senior Executive) Service Rules, an Area Organiser with a minimum eight years of regular service as A.O. is eligible for consideration of promotion to the rank of Deputy Inspector General in accordance with the prescribed vacancy and quota meant for the Area Organisers.
6. That with regard to the statements made in Para 4.2, the respondents state that there are five Areas in North Assam Division, which includes Kokrajhar, where applicant was posted. Securing 3rd position out of the five Areas in N.A. Division, has nothing to do with the ACR grading.

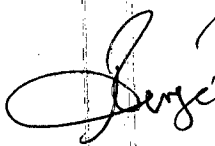

Divisional Organiser SSB
N. A. Division T zpur

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7.

7.

That with regard to the statement made in Para 4.3, the respondents state that the applicant was posted to Kokrajhar as Area Organiser. The post of DIG during that period was lying vacant and Shri S.K.Sharma, Divisional Organiser was ordered to hold additional charge of DIG, NAD in addition to his own duties for smooth functioning of the Division. As Shri Sharma was holding additional charge of DIG in NA Division, he had initiated the ACR of the applicant pertaining to the period 1993-94. It was not the ACRs of the applicant alone initiated by Shri S.K.Sharma but also he had initiated ACRs of all other Area Organisers working in N.A.Division. It is again reiterated that ACRs are written on the basis of overall performance of the whole year and after making objective assessment of work done by the applicant assessment has been recorded in the ACRs. The said ACR was further reviewed and accepted by the next higher authorities. It may also be added here that the applicant is not coming with clean hands before the Hon'ble Court as he is suppressing the fact that displeasure of Director SSB and recordable warning were conveyed to the applicant during 1993-94, a copy of which is placed as Annexure R-3 for ready reference.


Divisional Organiser SSB
N. A. Division Tezpur

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8. That with regard to the statements made in Para 4.4, the respondents state that the ACRs are written on the basis of the overall performance of the whole year. Therefore, the said ACR was submitted to the higher authority for further review and acceptance. Therefore, the grading as has been assessed in the case of the applicant is correct in all respect.

9. The respondents have not received that with regard to the statements made in Para 4.5 & 4.6, the respondents state that the communications including the representations dated 12/8/94 as well as 25/6/97 of the applicant as mentioned by him. However, one legal notice was sent by the applicant through his Advocate regarding non-disposal of his representations for expunction of adverse remarks recorded in his ACRs for the year 1993-94. The competent authority after due consideration of the said legal notice vis-à-vis relevant records ignored the same as the issue raised by the applicant in the notice were found devoid of merit.

10. That with regard to the statements made in Para- 4.7, the respondents re-assert and reiterate the foregoing statements made in this written statements. However, the DPC which met on 9/4/97, has also considered the promotion of the applicant along with the

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Divisional Organiser SSB
N. A. Division Tezpur

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7-8

other eligible Area Organisers but the applicant could not obtain the required minimum bench mark i.e. "Very Good" and so he was not recommended for promotion to the rank of Deputy Inspector General.

- 11, That with regard to the statements made in Para -4.8, 4.9 and 4.10, the respondents state that in compliance to the judgement of Hon'ble CAT Guwahati dated 16/11/99 in O.A. No. 213/97, the representation of the applicant has been disposed of by a reasoned order under the signature of the Principal Director (Now D.G., SSB) respondent No.2 vide the Directorate Memo dated 29/12/99 (Annexure -VII to O.A.).


Divisional Organiser SSB
N. A. Division Tezpur 12.

That with regard to the statements made in Para- 4.11 and 4.12, the respondents state that the O.A. No. 92/2000 filed by the applicant in the Hon'ble CAT Guwahati came up for final hearing on 16/3/2001. The operative part of the judgement passed by the Hon'ble CAT Guwahati is as under-

" The respondents to hold review DPC to consider the case of the applicant on the basis of the available records without taking into account the ACR for the year 1993-94. In the circumstance, the

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order dated 29/12/99 cannot be upheld and accordingly the same is set a side. The respondents have also been directed to complete the aforesaid exercise within a period of 3 months from the receipt of a certified copy of this order."

Accordingly, a review DPC was held on 4/7/2001 to consider promotion of the applicant to the rank of Deputy Inspector General. The said DPC reviewed the minutes of the DPCs held on 29/4/97, 10/3/98, 27/4/2000 and 27/11/2000 in which Area Organisers are promoted to the rank of DIG and also considered the case of the applicant on the basis of available records without taking into account the ACR for the year 1993-94 as directed by the Hon'ble CAT Guwahati. However, the said review DPC has not recommended the applicant for promotion to the rank of DIG, as he still could not make the prescribed bench mark i.e. "Very Good".


Divisional Organiser SSB
N. A. Division Tezpur.

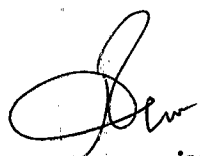
13. That with regard to the statements made in Para- 4.13 of the application, the answering respondents state that the applicant was informed the decision of the review DPC held on 4/7/2001 in compliance of the directive of the Hon'ble CAT Guwahati vide Memo No. 35/SSB/A2/2000(1) dated 19-07-2001.

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14. That with regard to the statements made in Para- 4.14 of the application, the answering respondents state that the applicant is agitating the same issue again and again and hence it is prayed that this O.A. may be barred on the ground of Res- judicata.

15. That with regard to the statements made in Para- 5.I to 5.VI of the application, the respondents state that in view of the facts and circumstances of the case and provision of Rule / Law the grounds shown by the applicant can not sustained in law and hence the application is liable to be dismissed with cost.

16. That with regard to the statements made in Para- 6, the respondents have no comments to offer.


Divisional Officer SSB
N. A. Division Tezpur

17. That with regard to the statements made in Para- 7, the respondents state that the application raising the same issue between the same parties, which was earlier finally decided in O.A. No. 92/2000 is hit by the doctrine of Res-judicata and is liable to be dismissed on that ground alone.

18. That with regard to the statements made in Para- 8 and 9, the answering respondents state that in view of the facts and

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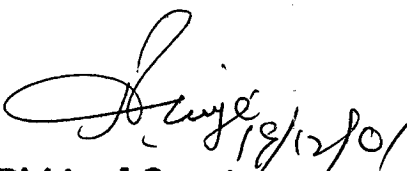
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circumstances of the case and the provisions of Rules/Law, the applicant is not entitled to any relief whatsoever as prayed for and hence the application is liable to be dismissed with cost as devoid of any merit. The applicant is also not entitled to any interim relief as prayed for and no such order may be passed without hearing the respondents on any such issues.

VERIFICATION

I, R.D. Thongchi, presently working as the Divisional Organiser, SSB, North Assam Division, under Ministry of Home Affairs, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in paras 1,2,3 & 6 being matter of records, are true to my knowledge and belief, and those made in paras 4, 5, 7 to 18 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

AND I signed this verification on this 19th day of December, 2001.


18/12/01
Divisional Organiser SSB
N. A. Division T 2001

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D-125-DIV
15/01/2001No. 172/2001-E.A.I-133
Government of India
Cabinet Secretariat

ANNEXURE-R-1 (94)

Bikaner House (Annexe)
Shahjahan Road

New Delhi, the

Dated

15 JAN 2001

ORDER

15 JAN 2001

Subject: Transfer of Special Service Bureau (SSB) from Cabinet Secretariat to Ministry of Home Affairs.

Consequent upon the recommendations of Task Force on Intelligence Apparatus, the Prime Minister has approved the transfer of Special Service Bureau (SSB) from Cabinet Secretariat to the Ministry of Home Affairs with immediate effect.



(V. H. Hanumanth)

Special Secretary to the Govt. of India

1. Cabinet Secretary (Shri T.R. Prasad).
2. Principal Secretary to Prime Minister (Shri Brajesh Mishra).
3. Home Secretary (Shri Kamal Pande).
4. Secretary (Expenditure) (Shri C.M. Varma).
5. Secretary (Personnel) (Shri H.B. Fardoun).
6. Secretary (R)-cum-DC(S) (Shri Vikram Singh).
7. Secretary (National Security Council Secy) (Shri Satish Chandra).
8. Joint Secretary, PMO (Shri Ashok Gupta).
9. Joint Secretary, Cabinet Secy (Shri Sanjay Mishra).
10. Principal Director, SSB, DGS (Shri B.S. Sandhu).
11. Director, SSB (Shri R.P. Kurech).
12. Director, ARC (Shri R.S. Bedi).
13. Addl. Secretary & Financial Adviser (Shri M.M.E. Sandawa), MHA.
14. IG, SFF, (Maj. Gen. Bhopinder Singh).
15. Director of Accounts Cabinet Secy. (Shri B.S. Gill).

8/53(hv)
7/01/20011 DIGEST
5/01/01

12 RESTRICTED 69- ANNEXURE-R 2

No.I-45026/3/2001-Pers.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New delhi, the 20th March, 2001.

To

DG,SSB
East Block-V
R.K. puram,
New delhi-110066.

Sub :- delegation of powers to DG,SSB in Administrative matters.

Sir,

I am directed to say that it has been decided to delegate some administrative powers to DG,SSB in respect of Cadre Officers only, as indicated in the Annexure. The delegation of administrative powers will be exercised by DG,SSB subject to the following :-

- i) Director General, SSB will be accountable and responsible for exercising the delegated powers.
- ii) The delegation will be exercised strictly in accordance with the rules, instructions and guidelines issued on the relevant subjects by the Government.
- iii) In case of any discretion, deviation of relaxation required in ~~xxx~~ exercise of the delegated powers, a reference will invariably be made to MHA.
- iv) The powers delegated to Director General, SSB, will not be further delegated by him.

Sd/-
(20/3/2001)
(SAMEER SHARMA)
DIRECTOR (PERS)

Copy forwarded for information to :-

1. PS to HM
2. PPS to HS
3. PPS to SS (ISP)
4. JS (R)
5. Dir (Pers)
6. Dir (PF)
7. Pers. III
8. G-desk
9. Pers-I
10. PF. III
11. Guard File/DPC Folder

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ANNEX. R 2
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ANNEXURE

DELEGATION OF ADMINISTRATIVE POWERS TO DIRECTOR
GENERAL OF SSB

S.No. EXTENT OF DELEGATION OF POWERS

1. CADRE CLEARANCE

i) Deputation with CPOs :

The powers to forward applications for selection of officers on deputation within CPOs. However, deputation outside CPOs will require cadre clearance of MHA.

ii) Higher Studies :

Permission to pursue higher studies not involving Study Leave.

iii) Job Opportunities outside Administration :

The powers to forward applications for seeking jobs outside the organisation in the Departments, PSUs or Autonomous Bodies of the Central Government or State Governments. However, cases of jobs in joint or private sector or jobs outside India will be referred to MHA for cadre clearance.

2. DISCIPLINE/VIGILANCE RELATED MATTERS

i) Action on Sealed Cover :

In certain specified cases, proceedings of departmental Promotion Committees are kept in sealed cover. Clear instructions have been laid down by the Government in regards to the sealed cover procedure. The powers to open sealed cover is delegated to the Director General, SSB where on opening of sealed cover, it is found that the PPC has recommended promotion, the file will be required to be sent to the Ministry for obtaining the approval of the Minister.

ii) Appointment of Inquiry Officer/Presenting Officer :

In disciplinary cases of Group 'A' officers where President is the disciplinary authority, while initiation of the proceedings would require the approval of the Home Minister, DG SSB will be competent to take decisions about the appointment of Inquiry Officer/Presenting Officer. However, formal orders about the appointment of IO and PO will continue to be issued in the name of the president and may be signed only by the officer competent to authenticate the same under the provision of authorisation of orders.

3. LEGAL MATTERS

presently, where legal notices are received or where Court cases have been filed, reference is required to be made to the Ministry of Law through MHA. As Directors General/directors of CPMFs/IB/NPA are the appointing authority for all ranks other than Group 'A' post, the reference may be made to the Ministry of Law directly by the SSB with the approval of DG/Adtl DG/IG, as the case may be, in relation to the cases other than cases pertaining to Group 'A' officers. However, in specific cases where the SSB feel that the MHA should see their line of action or where the Ministry of Law wants MHA's advice on any specific issue, such cases should be referred to the Ministry.

4. OTHER SERVICE RELATED MATTERS

- i. Next Below Rule Benefit :
Power to grant NBR benefit where admissible as per rules.
- ii. Probation period :
Satisfactory completion of probationary period and confirmation in case of Group 'A' officers at the entry level, since a representative of MHA is always associated with the departmental Screening Committee.
- iii. Intimation Under Conduct Rules :
Powers to accept intimations under Conduct Rules on transactions etc. in respect of Group 'A' officers, upto the level of IG.

ANNEXURE-B 3

P.09

15 No. 27/SSB/A-2/82(10) 2882-83
 Directorate General of Security,
 Office of the Director, 3rd,
 East Block-V, P.K. Puri,
 New Delhi-110066.

Dated, the 4/9/93

MEMORANDUM

Shri H.N. Singha, Area Organiser, Kokrajhar, who took over the charge of the office of the Area Organiser, Kokrajhar on 27.4.91, has failed in his capacity as Supervisory Officer/Drawing and Disbursing Officer on the following grounds.

(i) That Shri Singha was aware of the fact that a surplus amount of Rs. 1835/- was in existence in the cash book. But he did not take any corrective measure to rectify the discrepancies of the excess amount in government cash and continued to reflect the excess amount in the monthly cash analysis statement from May, 91 to June, 92.

and

(ii) He has also failed to ensure that the prescribed accounting procedure in the maintenance of government cash book is being followed by the dealing assistant. Shri Das, the then cashier. Therefore, he has failed to ensure proper maintenance of government account & cash book as a supervisory officer.

2. Director, SSB after considering all the facts, has conveyed his displeasure and desired that a written warning should be given to Shri Singha for the above lapses.

3. Shri H.N. Singha, Area Organiser, Kokrajhar is, therefore, warned to be careful in future.

19/9/93
 (J.B.D. ADHIKARI)
 ASSISTANT DIRECTOR (RA)

To
 Shri H.N. Singha,
 Area Organiser,
 Kokrajhar.

Copy to Divisional Organiser, SSB, North Assam with reference to his letter No. D/ACCTA/92-93/13 dated 1.2.93.

19/9/93
 ASSISTANT DIRECTOR (RA)