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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 446/2001

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-446/2001Pg. 1to 2
2. Judgment/Order dtd. 16/05/2002Pg. 1to 4 allowed
3. Judgment & Order dtd.Received from H.C/Supreme Court
4. O.A. 446/01Pg. 1to 58
5. E.P/M.P. NILPg.to
6. R.A/C.P. NILPg.to
7. W.S. submitted by the RespondentsPg. 1to 4
8. Rejoinder submitted by the ApplicantPg. 1to 20
9. ReplyPg.to
10. Any other PapersPg.to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments pg - 1 to 11
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

Additional Rejoinders submitted by the Applicant

pg - 1 - 20-14

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 446 /2001

Applicant(s) :- Nani Gopal Sen

Respondant(s) :- Govt of Assam

Advocate for the Applicant :- Mn M. Chanda, Mrs N.D. Goswami
Mn G. N. Chakraborty & H. Dutta

Advocate for the Respondant :- Case-

Notes of the Registry	Date	Order of the Tribunal
<p>This is an application in form C. F. No. 15/1 disposed vide IP No. 69. 23882 Dated 20/11/01</p> <p><i>[Signature]</i> Dy. Registrar 21/11/01</p> <p>Pl. comply.</p> <p><i>[Signature]</i> 22/11/01</p> <p>Notice reheard and sent to Dps. for issuing the respondents by Regd. A.B. <i>[Signature]</i> 26/11/01.</p> <p>D/No <u>4392 & 4399</u> Dtd <u>28/11/01.</u></p>	<p>22.11.01</p> <p>bb</p> <p>24.12.01</p> <p>mo</p> <p>28.1.02</p>	<p>Issue notice on the respondents to show cause as to why this application shall not be admitted, returnable by four weeks.</p> <p>List on 24.12.2001 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Hear learned counsel for the parties.</p> <p>The application is admitted. Call for the records.</p> <p>List on 28.1.2002 for order.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>List on 26.2.2002 to enable the respondents to file written statement.</p>

O.A.No.446/2001

26.2.02 Written statement has been filed by the Respondents. The case may now be listed for hearing. The applicant may file rejoinder, if any, within ten days from today.

List on 21.3.2002 for hearing.

22.2.2002

W/s Submitted by the Respondents.

K.C. Sharma
Member

Vice-Chairman

mb

21.3.02 Adjourned on the prayer of Mr. M. Chanda, learned counsel for the applicant. List on 8.4.2002 for hearing.

K.C. Sharma
Member

Vice-Chairman

mb

8.4.2002

The case was posted for hearing and, in fact, we heard Mr J.L. Sarkar, learned counsel for the applicant at length. Notices have also been sent to respondent Nos.5, 6 and 7 by registered post on 28.11.2001. The notices are not returned back also. IN the set of circumstances we accept the service of notice on respondent Nos.5, 6 and 7. List the case for hearing on 16.5.02. In the meantime the respondent Nos.5, 6 and 7 may file written statement, if any.

18.3.2002

Rejoinder in reply to the W/s has been Submitted.

5.4.2002

Petition Submitted by the petitioner for Production of documents.

nkm

K.C. Sharma
Member

Vice-Chairman

14.5.2002

An addition

16.5.2002

Heard the learned counsel for the parties. Hearing concluded.

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 446 of 2001

Date of Decision. 16.5.2002.....

Shri Nani Gopal Sen

-----Petitioner(S)

Mr J.L. Sarkar, Mr M. Chanda, Mrs N.D. Goswami,
Mr G.N. Chakraborty and Mr H. Dutta.

-----Advocate for the
Petitioner(s)

-Versus-

-----The Union of India and others

-----Respondent(s)

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


-----Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : Vice-Chairman



5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.446 of 2001

Date of decision: This the 16th day of May 2002

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

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

Shri Nani Gopal Sen,
Superintendent (Group B),
Customs Division, Agartala,
Tripura West, Agartala.

.....Applicant

By Advocates Mr J.L. Sarkar, Mr M. Chanda, Mrs N.D. Goswami,
Mr G.N. Chakraborty and Mr H. Dutta.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. The Commissioner,
Central Excise,
Shillong.
3. The Additional Commissioner (P&V),
Customs and Central Excise,
Shillong.
- 3A. The Chairman,
Central Board of Excise and Customs,
New Delhi.
4. The Secretary to the Government of India,
Ministry of Personnel,
Public Grievance and Pensions,
Department of Personnel,
New Delhi.
5. Shir Swapan Kumar Roy,
Superintendent (Group B),
C.P.F. Sonamura,
P.O. Sonamura, District- Tripura West.
6. Shri Debendra Ch. Das,
Superintendent (Group B), Audit,
Office of the Commissioner,
Central Excise, Shillong.
7. Shri Nimai Chandra Patra,
Superintendent (Group B), Appeal,
Office of the Commissioner,
Central Excise, Shillong.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The controversy pertains to fixation of interse seniority of the applicant vis-a-vis respondent Nos.5, 6 and 7.

2. The applicant was first appointed as Lower Division Clerk in the Department of Customs in the year 1970. He was promoted to the post of Upper Division Clerk on 29.9.1975. Thereafter, he was promoted to the post of Inspector and he joined in the said post on 16.10.1980. Vide order No.313/1995 the applicant was promoted to the post of Superintendent Group 'B', wherein he joined on 17.1.1996. The order of promotion itself indicated that the promotion was to come into effect from 28.6.1993, i.e. on and from the date of promotion of his junior. In the seniority list of the department published as on 1.1.1985 the seniority position of the applicant, in the cadre of Inspectors, was at serial No.300 and that of respondent Nos.5, 6 and 7 were below the applicant and shown at serial Nos.301, 302 and 352. In the seniority list published on 1.1.1993 also the applicant was shown as senior to respondent Nos.5, 6 and 7 as Inspector. The name of the applicant appeared at serial No.47 and that of respondent Nos.5, 6 and 7 at serial Nos.48, 49 and 92 respectively. It appears that the above seniority positions of the applicant as well as the private respondents determined in terms of O.M. dated 22.12.1959 were all along maintained by the respondents since October 1980 till April 2001, i.e. prior to the date of publication of the impugned seniority list published as on 1.5.2001. By Establishment Order No.313/1995 dated 19.10.1995 the applicant was promoted to the grade of

Superintendent Group 'B' in the scale of pay of Rs.2000-60-2300-EB-75-3200-100-3500 with effect from the date of taking over of charge of the higher post with place of posting with immediate effect. The order also indicated that the name of the applicant would be placed below one Shri Kalparam Kachari, Superintendent and above Shri Swapan Kr. Roy, respondent No.5 (vide Establishment Order No.147/93 dated 15.6.1993) in the seniority list. His pay was to be fixed as per F.R. 27 at the stage it would have reached. It appears that the seniority list of Inspectors of Customs and Central Excise as on 1.1.1990 was assailed before this Bench in O.A.No.241 of 1991 by one Shri Biman Dhar. In the proceeding the seniority of the applicant was not under challenge. By Judgment and Order dated 5.9.1995 in the aforementioned O.A., this Bench directed the respondents to dispose of the representation of the applicant in the light of the observations made in the order. The Bench also observed that the question of assigning correct seniority to the persons in the promotional post was to be decided in the light of the decision rendered by the Cuttack Bench of the Central Administrative Tribunal in O.A.No.62 of 1987 and companion matters dated 10.4.1989. It appears that three other O.A.s were also filed before this Bench namely O.A.No.101 of 1995, O.A.No.171 of 1995 and O.A.No.147 of 1995 assailing the interse seniority list of 1993. By Judgment and Order dated 22.1.1999 the said three O.A.s were disposed of directing the respondents to examine the entire matter afresh after hearing the parties concerned. Incidentally, it was stated in the Bar that at no point of time the applicant's seniority was assailed in any of the above O.A.s. Pursuant to the fixing of interse seniority.....

seniority, the applicant submitted his representation dated 30.3.2001 assailing the fixation of seniority. In that representation the applicant clearly stated that the respondent No.5, Shri Swapan Kumar Roy was shown junior to him in the grade of Inspector for the last fifteen years as per seniority list maintained and circulated from time to time by the respondents. However, in the revised seniority list of Superintendent Group 'B' as circulated by memorandum dated 22.3.2001, the respondent No.5 who was so long junior to the applicant was placed and shown as senior to the applicant at serial No.117, wherein the applicant's position was shown at serial No.144. By the impugned order dated 3.5.2001 the respondents maintained the interse seniority assigned in the draft seniority list dated 22.3.2001. The applicant being aggrieved moved this O.A. assailing the legitimacy of the action of the respondents.

3. Assailing the interse seniority list the applicant contended that the respondents acted unlawfully and arbitrarily by upsetting the interse seniority of the applicant vis-a-vis the respondent No.5 who was so long junior to the applicant and that seniority position of the applicant vis-a-vis respondent No.5 was maintained since 1980 onwards. The learned counsel for the applicant submitted that the aforesaid fixation of seniority is contrary to the decision rendered by this Tribunal in O.A.No.241 of 1991 disposed of on 5.9.1995, O.A.No.101/1995, O.A.No.171/1995 and O.A.No.147/1995 disposed of on 22.1.1999 and contrary to the decision rendered by the Cuttack Bench and Full Bench decision of the Hyderabad Bench of the Central Administrative Tribunal in R.A.No.103 of 1993 (in O.A.No.1019/1992) and a host of like.....

like cases disposed of on 21.11.1996.


4. The respondents submitted their written statement denying and disputing the claim of the applicant.

5. We have heard Mr J.L. Sarkar, assisted by Mr M. Chanda, appearing on behalf of the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C., at length. Considering the facts and circumstances in its entirety, we are of the considered opinion that the interse seniority determined vide the impugned order requires to be redetermined. The applicant has already submitted about his grievances in his representation dated 30.3.2001 citing the injustice caused to him. At least his grievances need to be examined in the light of the factual position. We accordingly direct the respondents to redetermine the interse seniority of the applicant vis-a-vis the respondents 5, 6 and 7 as per law in the light of the observations made in the aforesaid O.A.s. The applicant may also independently submit any representation, if he so desires, within two weeks from the date of receipt of the order. On receipt of such representation the respondents shall redetermine the interse seniority of the applicant vis-a-vis the respondent 5, 6 and 7 as expeditiously as possible, preferably within two months from the date of receipt of the representation.

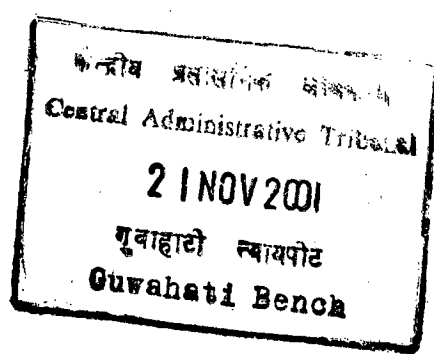
6. The application stands allowed. There shall, however, be no order as to costs.



(K. K. SHARMA)
ADMINISTRATIVE MEMBER



(D. N. CHOWDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act,
1985)

Title of the case : O.A. No. 446/2001

Shri Nani Gopal Sen : Applicant

- Versus -

Union of India & Others: Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-22
02.	----	Verification	23
03.	1	Promotion order dated 19.10.1995	24-25
04.	2(Series)	Seniority List as on 1.1.1993	26-33
05.	3	Judgment & Order dated 5.9.1995	34-36
06.	4	Judgment & Order dated 22.1.1999	37-47
07.	5	Representation dated 30.3.2001	48-49
08.	6	Impugned Order dated 3.5.2001	50-58

Filed by

Date : 21.11.2001

Advocate

Filed by the applicant
through advocate Sri
G. N. Chakravarty on 21.11.01.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act,
1985)

O.A. No. 446 /2001

BETWEEN

Sri Nani Gopal Sen
S/o Sri Makhanlal Sen
Superintendent (Group B)
Customs Division, Agartala
Jaynagar Middle Road
Lane No.2, Agartala,
Tripura West
Agartala-799001

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary
To the Government of India,
Ministry of Finance,
Department of Revenue,
New Delhi.

2. The Commissioner,
Central Excise,
Shillong

3. The Additional Commissioner (P & V)
Customs & Central Excise,
Shillong.

3.A. The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi-110002.

Nani Gopal Sen

4. The Secretary to the Government of India
Ministry of Personnel,
Public Grievance and Pensions,
Department of Personnel,
New Delhi
5. Sri Swapan Kumar Roy,
Superintendent (Group B)
C.P.F. Sonamura
P.O. Sonamura,
District Tripura West
6. Sri Debendra Ch. Das
Superintendent (Group B), Audit
Office of the Commissioner,
Central Excise, Shillong.
7. Sri Nimai Chandra Patra
Superintendent (Group B), Appeal,
Office of the Commissioner,
Central Excise, Shillong

(All the Private Respondents namely, Respondent Nos. 5,6 and 7 are working as Superintendent (Group B) under the Respondent No.2, therefore notices may kindly be served upon the private respondents through respondent no. 2 i.e. the Commissioner of Customs and Central Excise, Shillong).

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made against the impugned letter bearing No. C. No. II(34)5/ET.I/92/24248-83 dated 3.5.2001 issued by

Maulgopal Sen

✓

the office of the Commissioner of Central Excise, Shillong, whereby the representation of the applicant dated 30.3.2001 has been rejected in total violation of the Rule and also praying for quashing and setting aside the impugned seniority list published as on 1.5.2001 by the Commissioner of Central Excise, Shillong and also praying for a direction upon the respondents to restore the seniority position of the applicant above the private respondents.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

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

4.2 That the applicant is initially appointed as Lower Division Clerk (for short L.D.C.) in the department of Customs in the year 1970. He was promoted to the grade of Upper Division clerk (for short U.D.C.) on 29.9.75. He was again promoted to the grade of Inspector and joined in the same post on 16.10.1980 (F/N). Thereafter the applicant has been promoted to the post of Superintendent (Group B) vide Establishment Order No. 313/1995 and joined in the said post on 17.1.1996 (F/N) but the benefit of the promotional post

Nandipal Sen

of Superintendent (Group B) was given to the applicant with the retrospective effect from 28.6.1993 as because the juniors of the applicant Sri Swapan Kumar Roy, Superintendent (Group B) was promoted with effect from 28.6.1993.

It is relevant to mention here that the promotion of the applicant was delayed due to pendency of a disciplinary proceeding at the relevant time when Respondent No.5, junior to the applicant was promoted to the post of Superintendent Group B. However, the applicant was given the retrospective benefit of promotion following a direction passed by this Hon'ble Tribunal in O.A. No. 44 of 1995 dated 1.8.1995.

A copy of the promotion order dated 19.10.1995 is annexed hereto and marked as Annexure-1.

4.3

That the applicant was promoted on regular basis to the grade of Inspector with effect from 10.11.1980. It is stated that the seniority of the applicant as well as private respondent nos. 5,6 and 7 was determined following the then seniority rules in terms of the office memorandum No. 9.II-55 R & P dated 22.12.1959 wherein the principle of relative seniority of direct recruits and promotees laid down according to vacancies. Be it stated that the applicant was appointed and promoted against the regular vacancy in 1980. The seniority position of the applicant as well as private respondent nos. 5,6, and 7 were determined by the respondents following the seniority rule of 1959 as stated above as on 1.1.1985 are furnished hereunder.

Sl. No.	Name	Seniority position as per seniority list published as on 1.1.1985, (in the cadre of Inspector)
1	Sri Nani Gopal Sen	300
2	Sri Swapan Kumar Roy <i>RS</i>	301
3	Sri Debendra Ch. Das <i>gb</i>	302

Nani Gopal Sen

4	Sri Nimai Chandra Patra	352
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It is further submitted that the seniority position as stated above in fact carried out by the respondents since 16.10.1980 till the impugned seniority list as on 1.5.2001 is published. It is pertinent to mention here that in the seniority list of Inspectors serving under the Commissioner of Central Excise, Shillong published as on 1.1.1993 also reflected the same seniority position as stated above so far applicant and private respondent nos. 5,6 and 7 are concerned. The seniority position so far as the applicant and private respondents are concerned as on 1.1.1993, detail particulars of seniority position determined by the respondents as on 1.1.1993 are furnished hereunder :

Sl. No.	Name	Seniority position a Inspector as per seniorit list published on 1.1.1993
1	Sri Nani Gopal Sen	47
2	Sri Swapan Kumar Roy	48
3	Sri Debandra Chandra Das	92 49
4	Sri Nimai Chandra Patra	92

The above seniority position of the applicant as well as the private respondents determined by the respondents in terms of O.M. dated 22.12.1959 issued by the Govt. of India were all along maintained by the respondents since October 1980 till April ' 2001 i.e. prior to the date of publication of impugned seniority list as on 1.5.2001 in total violation of the relevant seniority rules issued by the Government of India, Department of Personnel and Training, although there is no break down or violation of quota Rules and following the principle laid down by the Govt. of India in the O.M. No. 35014/1/80-ESTT (D) dated 7.2.1986 wherein it is

Nani Gopal Sen

suggested that the past cases of seniority should not be reopened which was fixed prior to 1.3.1986.

Extract of a copy of the seniority list as on 1.1.1985 and as on 1.1.1993 are annexed as Annexure-2 (series) for kind perusal of the Hon'ble Tribunal.

4.4 That the office of the Customs and Central Excise, Shillong was pleased to confirm the service of the applicant with effect from 1.10.1981, which would be evident from column 5 of seniority list.

4.5 That at the relevant time when the applicant was promoted as Inspector at that time recruitment rule provided 75% posts/vacancies of Inspector were required to be filled up by Direct Recruitment and 25% of the vacancies by promotion from the next lower ranks in terms of the recruitment rules.

4.6 That the applicant begs to state that his seniority was assigned from the date of appointment as Inspector following the then seniority rules in terms of the Office Memorandum No. 9.11 55 -R & P dated 22.12.1959 wherein the principle of relative seniority of direct recruits and promotees laid down, according to vacancies. Be it stated that the applicant was appointed/promoted against the regular vacancies prior to the recruitment year 1979-80 and his appointment/promotion. Therefore the applicant is entitled to count his seniority from the date i.e. initial appointment to the post of Inspector in the Customs and Central Excise Department.

4.7 That after his appointment/promotion in the grade of Inspector in the year 1980 a number of seniority list were published by the Respondent No.2 assigning seniority of the applicant following the then seniority rules/instructions

Navilopal Sen

that the seniority of the applicant and the private respondents were rightly settled from 16.10.1980 to April 2001 i.e. the seniority position of the applicant maintained by the department above the private respondents for a period of more than about 20 years taking into consideration of the fixed quota of the promotees and the direct recruits. It is relevant to mention here that the private respondent nos. 5, 6, and 7 they are direct recruit Inspectors in the Department of Customs and Central excise while the applicant is a promotee Inspector working in the same department and the quota of direct recruitment as well as promotion quota are also fixed by the respondents as such question of reopening of seniority after a lapse of more than 20 years does not arise when the seniority position of the applicant as well as the private respondents is settled following the valid rule of seniority i.e. O.M. dated 22.12.1959.

4.8

That the applicant begs to state that at the time of his initial appointment the seniority of the applicant was determined on the basis of the principle laid down in Office Memorandum No. 9/11/55/RSY dated 22.12.1959 which was a valid Office Memorandum issued by the department of Personnel and training, Ministry of Home Affairs, New Delhi and laid down the criteria for assigning seniority on definite quota basis of direct recruits and promotees. According to the Office Memorandum dated 22.12.1959 the relative seniority of direct recruits and promotees are determined on the basis of quota of vacancies reserved for direct recruits and promotees respectively in terms of Recruitment Rules. The relevant portion of the Memorandum is quoted below :

“Relative seniority of Direct Recruits and Promotees :-

The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies

Navilopal Sen

between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules." The seniority of the applicant was assigned following the above principle which at the relevant time applicable for determining the seniority of direct recruits and promotees. Therefore the seniority of the applicant was rightly determined in terms of Office Memorandum dated 22.12.1959 and the same cannot now be altered or refixed after a decade when the promotion of the applicant is due to the grade of Assistant Commissioner. Moreover Office Memorandum No. 35014/1/80-Estt(D) dated 7.2.1986 also suggested that the past cases of seniority should not be reopened which was fixed prior to 1.3.1986 and in view of the aforesaid O.M. dated 7.2.1986 issued by the Govt. of India, Department of Personnel and Training the seniority position of the applicant should not be disturbed after a decade and especially when the applicant is expecting his legitimate promotion to the post of Assistant Commissioner.

4.9

That it is stated that the revised seniority list published by the respondents vide letter bearing No. C. No. II(34)/5/ET.I/92/30835-66 dated 22.3.2001. In the said revised draft seniority list the name of the applicant placed under serial No. 144 whereas the name of the private respondent no. 5 is placed at serial no. 117 and the other private respondents are also shown above the name of the applicant. The applicant being highly aggrieved by the revised draft seniority list published by the Addl. Commissioner (P & V) on 22.3.2001 submitted a detailed representation protesting such arbitrary revision of the seniority position on 30.3.2001 addressed to the Commissioner, Central Excise and Customs, Shillong wherein the applicant strongly protested for such arbitrary

Navilopal Sen

alteration and refixation of seniority after a lapse of 20 years particularly in the cadre of Inspector. It is further stated by the applicant that the seniority position of the applicant in the revised seniority list of Superintendent (Group B) the applicant has been placed under the serial No. 144 whereas the private respondent No.5 is shown above the applicant under serial No. 117 and the same is also contrary to the rule of promotion orders. It is relevant to mention here that the promotion of the applicant in the cadre of Superintendent (Group B) was given with retrospective effect following a direction passed by this Hon'ble Tribunal in the O.A. No. 44/95 on 1st August 1995. It is also prayed by the applicant that his seniority position be restored above the respondent No.5 - Sri Swapan Kumar Roy. But most surprisingly the Add. Commissioner (P & V) Central Excise and Customs, Shillong has rejected the representation of the applicant and other similarly situated employees and further confirmed and finalised the revised draft seniority list of the cadre of Superintendent (Group B) which was circulated vide letter dated 22.3.2001 by the impugned letter bearing No. C No.II(34)5/ET.I/92/2424685 dated 3.5.2001 placing the applicant arbitrarily under serial No. 85 whereas the private respondent nos. 5,6 and 7 have been placed above the applicant at serial No. 60, 61 and 62 in the said impugned seniority list and all the private respondents are now shown above the applicant in the cadre of Superintendent (Group-B) after refixing the seniority list after a lapse of 20 years in a most arbitrary and unfair manner. Interestingly, in the impugned order dated 3.5.2001 the Addl. Commissioner (P&V), Central Excise, Shillong took the plea that the impugned seniority list has been revised and refixed consequent to the judgment dated 5.9.1995 pronounced by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 241/91 and the Board's approval for implementation of the

Navilopal Sen

said order communicated vide letter vide F. No. A 23018/3/97-Ad.11.13 dated 17.11.97 and as a result an integrated seniority list of Superintendent (Group B) was circulated to all concerned vide letter dated 22.3.2001 and also stated that some representations have been received and have been examined carefully and the representations have already been disposed of after explaining the reasons thereof. It is pertinent to mention here that no reasons in fact shown by the office of the Commissioner, Central Excise and Customs, Shillong and it is also very difficult to understand the contents of the letter dated 3.5.2001. It is further relevant to mention here that the respondents in the impugned letter dated 3.5.2001 seems to have been taken a contrary stand while discussing the ground no.1 so far O.M. dated 7.2.1986 is concerned. It appears that the Addl. Commissioner (P&V), Central Excise and Customs, Shillong is not well aware about the contents of the O.M. dated 7.2.1986. In this connection it may be stated that the O.M. dated 7.2.1986 in fact supports the contention of the applicant whereby the Government of India restrained the respondents from reopening the past cases of seniority which were settled prior to 1st March 1986 following the relevant seniority rule as such the contention of the respondents is contrary to the factual position rather O.M. dated 7.2.1986 supports the contention of the applicant.

It is categorically stated that the applicant was never impleaded in O.A. No. 241/1991 as such there is no scope on the part of the present applicant to represent his case before this Hon'ble Tribunal as such the decision of the O.A. No. 241/91 is not binding upon the present applicant and the applicant also categorically denies the contention of the respondents that the representation of the applicant have been carefully examined on merit. It is pertinent to

Navin Gopal Sen

mention here that the decision of refixing the seniority of the present applicant after a lapse of twenty years that too in total violation of O.M. dated 7.2.1986 cannot be sustained in the eye of law.

It is also relevant to mention here that there is no specific direction passed by the Hon'ble Tribunal in O.A. No. 241/91 to revise prefixing the seniority in violation of law laid down by this Hon'ble Tribunal. It is pertinent to mention here that this Hon'ble Tribunal directed the respondents to consider the case of the applicant in O.A. No. 241/91 in the light of the Cuttack Bench judgment way back in 5.9.1995 but the same was never implemented for about last 6 years but in the meanwhile a similar issue relating to dispute of seniority of promotees and direct recruit Inspectors came up before this Hon'ble Tribunal through O.A. No. 101/95, 147/95 and 171/95 which were finally decided by this Hon'ble Tribunal by a detailed judgment quoting the references of the law laid down by the various courts including the Apex Court on the same subject and directed the respondents to decide the entire issue relating to seniority dispute of promotee Inspectors and direct recruit Inspectors afresh with the following observation on 22.1.1999. The relevant portion of the judgment passed in O.A. No. 101/94, 147/95 and 171/95 are quoted below :

" 12. From the decisions cited above, it appears that there is no rule regarding fixation of seniority, as in this case, O.M.'59 is to be adhered to for the period for which the particular O.M. was in force. It is also stated that the O.M.'86 does not have any retrospective effect. Now, the question is, as Mr. B.K.Sharma has strenuously argued, as to whether the quaba-rota rule as prescribed in O.M. dated 22.12.1959 had broken or not. The facts are not available before us. The applicants have submitted a

Narailopal Sen

seniority list prepared by the office for the period before 1986. No opportunity was given to the other side to rebut. The applicants have drawn our attention to the list; we cannot ignore looking into this. On looking to this list it cannot be said that the rule prescribed by O.M.'59 had in fact collapsed. If it had collapsed then the decision has to be taken in the light of the decision of A. Janardhana's case (Supra) and also the other decisions cited above. Due to the paucity of the materials available before us we are not in a position to decide this.

13. In view of the above, we send back the cases to the respondents to examine the entire matter afresh in the light of the decisions of the Apex Court referred to above. If the applicants claim personal hearing before any decision is taken, they may be given such opportunity. The non-official respondents may also be given opportunity of personal hearing if they so claim and they should be given at least seven days notice. This must be done as early as possible at any rate within a period of three months from the date of receipt of this order.

14. The applications are accordingly disposed of.

15. Considering the facts and circumstances of the case, we, however, make no order as to costs."

It is quite clear from the above decision that the Hon'ble Tribunal directed the respondents to take a fresh decision in the light of the Apex Court's decision referred therein and also framed certain guidelines for the respondents while deciding the question of determination of seniority but surprisingly after receipt of this judgment dated 22.1.1999, without examining the case of the applicant in terms of the judgment and order dated 22.1.1999 determined the seniority of the similarly situated applicants and as well as Private Respondents i.e. direct recruit Inspectors in a most

Navilgopal Sen

23

arbitrary manner without application of mind and also without considering the guidelines and direction of the judgment and order dated 22.1.1999 and as a result the present applicant also adversely affected so far his seniority position in the grade of Superintendent Group B is concerned which is altered and refixed after a lapse of about 20 (Twenty) years in total violation of the direction contained in the judgment and order dated 22.1.1999.

A copy of the judgment and order dated 5.9.95, 22.1.1999 and representation dated 30.3.2001 and impugned order dated 3.5.2001 are annexed hereto and marked as Annexure-3, 4, 5 and 6 respectively.

- 4.10 That your applicant further categorically states that there was no break down of quota rule during the relevant years. The rule of rotation was strictly followed in terms of the relevant seniority rule issued under O.M. dated 22.12.1959 and there was no deviation from the quota rule at the relevant point of time when the rule of seniority under O.M. dated 22.12.1959 holding the field. It would further be evident from the statement made by the learned counsel that the official respondents in O.A. 171/95 (D. Mishra Vs. Union of India & Ors. Which is recorded in paragraph 5 of the said judgment and order dated 22.1.1999. The relevant portion of paragraph 5 of the judgment dated 22.1.1999 is quoted below

:"

"Mr. Deb Roy, learned Sr. C.G.S.C. submits that prior to Office Memorandum dated 7.2.86, the quota system was in vogue. This system was abolished by the said Office Memorandum dated 7.2.1986. He however very fairly submits that the relative seniority of Inspectors between Direct Recruits and Promotees was maintained as per Circular dated 22.12.1959."

Navilopal Sen

In view of the above statements of the official respondents there is no scope for alteration or revision of the seniority of the applicant which was settled for more than a decade. In this connection it is also relevant to mention here that Office Memorandum dated 7.2.86 issued modifying the earlier general principles of seniority laid down in the O.M. dated 22.12.1959. But in the said O.M. dated 7.2.86 it is specifically stated that the revised principles of seniority laid down in the O.M. dated 7.2.1986 shall take effect from 1.3.1986. Seniority already determined in accordance with the existing principles on the date of issue of this orders will not be reopened. The relevant portion of the O.M. dated 7.2.1986 is quoted below

“

“ III. Determination of relative seniority of direct recruits and promotees when adequate number of direct recruits not available in any year - According to paragraph 6 of the Annexure above (Item I) the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and promotees, which will be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules. In the Explanatory Memorandum to these Principles, it has been stated that a roster is required to be maintained based on the reservation of vacancies for direct recruitment and promotion in the Recruitment Rules. Thus where appointment to a grade is to be made 50% by direct recruitment and 50% by promotion from a lower grade, the inter se seniority of direct recruit and promotees is determined on 1:1 basis.

2. While the above mentioned principle was working satisfactorily in cases where direct recruitment and

Narain Gopal Sen

promotion kept pace with each other and recruitment could also be made to the full extent of the quotas as prescribed, in cases where there was delay in direct recruitment or promotion, or where enough number of direct recruits or promotees did not become available, there was difficulty in determining seniority. In such cases, the practice followed at present is that the slots meant for direct recruits or promotees, which could not be filled up, were left vacant, and when direct recruits or promotees became available through later examinations for selections, such persons occupied the vacant slots, thereby became senior to persons who were already working in the grade on regular basis. In some cases, where there was shortfall in direct recruitment in two or more consecutive years, this resulted in direct recruits of later years taking seniority over some of the promotees with fairly long years of regular service already to their credit. This matter had also come up for considerations in various Court cases both before the High courts and the supreme Court and in several cases the relevant judgment had brought out the inappropriateness of direct recruits of later years becoming senior to promotees with long years of service.

3. This matter, which was also discussed in the National Council has been engaging the attention of the Government for quite sometime and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter se seniority of direct recruits and promotees, the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over

Navin Gopal Sen

promotees who are already in position, would be dispensed.

6. The General Principles of seniority issued on 22nd December, 1959 (Item I) above) referred to, may be deemed to have been modified to that extent.

7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be re-opened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principles in force prior to the issue of this O.M. (Deptt. Of Per & Trg. O.M. No. 35014/2/80-Est(D) dated 7th February, 1986.)"

In view of the above rule of seniority there is no scope on the part of the Respondents to re-open and revise the seniority of the applicant which is settled long back that too after a decade in total violation of the aforesaid O.M. dated 7.2.86. More so, when it is conceded by the official respondents that prior to the O.M. dated 7.2.86 the seniority of the cadre of Inspectors were determined on the basis of O.M. dated 22.12.1959.

It is further submitted that at any point of time the private respondents never objected the seniority of the applicant determined by the respondents on the basis of O.M. dated 22.12.1959 where the applicant was placed above the private respondents as per the relevant seniority rule. As such the claim made by the private respondents during the year 1995, was hopelessly barred by limitation and the official respondents ought not to have conceded the prayer of the private respondents for refixation of seniority in

Nandipal Sen

violation of O.M. dated 7.2.1986 issued by the Ministry of Personnel & Training, Government of India. On that score alone the impugned order re-fixing the seniority as on 1.5.2001 as well as the impugned order dated 3.5.2001 are liable to be set aside and quashed.

4.11 That it is stated that the impugned seniority list published as on 1.5.2001 by the office of the Commissioner of Central excise Shillong by the impugned letter bearing No. C.No. II(34)5/ET.I/92/24248-85 dated 3.5.2001 in total violation of relevant seniority rules issued by the Government of India by the Office Memorandum dated 22.12.1959, Office Memorandum dated 7.2.1986 and also in violation of guidelines and directions contained in the Judgment and order dated 22.1.1999 passed in O.A. Nos.101/95, 147/95 and 171/95 and also in violation of law laid down by this Hon'ble Tribunal as well as Hon'ble Supreme Court moreover the applicant was never impleaded as party respondent in O.A. No. 241/91. Therefore the said decision cannot be binding upon the applicant when no opportunity was provided to the applicant to represent his case before this Hon'ble tribunal as such the impugned seniority list published as on 1.5.2001 by the impugned order dated 3.5.2001 are liable to be set aside and quashed on the ground stated above.

4.12 That it is stated that the present applicant is apprehending that the respondents very shortly arranging the DPC for considering the promotion to the Assistant Commissioner on the basis of impugned seniority list published as on 1.5.2001, as such petitioner will be denied his legitimate promotion to the cadre of Assistant Commissioner. Therefore Hon'ble Tribunal be pleased to restrain the respondents to hold any DPC during the pendency of the Original Application

Navilopal Sen

otherwise it will cause irreparable loss to the applicant and his service prospect.

4.14 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that the seniority of the applicant cannot be altered or re fixed after a lapse of 20 (Twenty) years in total violation of relevant seniority rules/principles laid down by the Govt. of India through Office Memorandum dated 22.12.1959 and O.M. dated 7.2.1986 by the impugned order issued under letter dated 3.5.2001.

5.2 For that the applicant was never impleaded as party respondent in O.A. No. 241/99 and in fact there is no direction to alter and re fix the seniority of the present applicant and the said decision in O.A. No. 241/99 is not binding upon the applicant.

5.3 For that the respondents never objected the position of the seniority determined by the respondents in terms of O.M. dated 22.12.1959 and also in terms of the O.M. dated 7.2.1986, therefore question of reifixation and reopening of the seniority position does not arise.

5.4 For that the settled position of seniority cannot be unsettled after a long lapse of 20 (Twenty) years under the existing seniority rules.

5.5 For that the Office Memorandum dated 7.2.1986 issued by the Deptt. Of Personnel, Govt. of India, is still valid and the instruction laid down in para 7 of the O.A. dated 7.2.1986 has not been set aside and quashed by any of the

Navilopal Sen

Court/Tribunal, therefore the same is binding upon the respondents.

5.6 For that the impugned order dated 3.5.2001 is a non speaking and cryptic and also without recording any reason passed in a mechanical manner without application of mind.

5.7 For that the applicant is entitled to place above the private respondents in the seniority list to the cadre of Inspector in terms of the relevant seniority rule issued under OM dated 22.12.1959 and 7.2.1986 issued by the Government of India.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he had 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 of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs.

8.1 That the impugned order dated ^{3.5.2001} ~~11.1.2001~~ rejecting the claim of the applicant, seniority list as on 1.5.2001 published vide letter No.C. No. II(34)S/E.T.I/92/2424883 dated

Navilopal Sen

3.5.2001 and Board's approval communicated under letter No.F. No. A 23018/3/97 Ad.II.B dated 17.11.1997 be set aside and quashed.

8.2 That the Respondents be directed to maintain seniority position of the applicant and private Respondents which was assigned as on 1.1.1986 and also on 1.1.1993 in terms of seniority principles laid down in the Office Memorandum dated 22.12.1959 and also in terms of para 7 of the O.M. dated 7.2.1986.

8.3 That the Hon'ble Tribunal be pleased to declare that the applicant is senior to Respondent nos. 5 to 7 in the cadre of Inspector as well as in the cadre of Superintendent Group B.

8.4 Costs of the application.

8.5 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief :-

9.1 That the respondents be directed not to make any further promotion on the basis of the impugned seniority list as on 1.5.2001 till final disposal of this application.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No. :

GG 788834

ii) Date of issue :

20/11/2001

Navilopal Sen

iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.
As stated in the index.

Navilopal Sen

82

VERIFICATION

Nani Gopal Sen

Makhom Lal Sen

57 I, Shri/Smti..... S/o Shri..... aged about
 57 years, resident of Jaynagar Middle Road, Agantala, do hereby verify that the
 statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge
 and those made in Paragraph 5 are true to my legal advice and I have not
 suppressed any material fact.

And I sign this verification on this 20th the
day of November, 2001.

Nani Gopal Sen

Annexure-I

CUSTOMS AND CENTRAL EXCISE ; SHILLONG

ESTABLISHMENT ORDER No. 313/1995

DATED SHILLONG THE 19th OCT.'95

Subject : Estt. Promotion, transfer and posting to the grade of Supdt.
- Order reg.

PART - I

Shri Nani Gopal Sen, Inspector of Customs and Central Excise at present posted at Agartala -II Sector of Agartala Range under Silchar C. Ex. Division is hereby promoted to the grade of Superintendent Group 'B' in the scale of pay of Rs. 2000-60-2300-EB-75-3200-100-3500/- with effect from the date he takes charge of higher post at the places of posting with immediate effect and until further orders.

On promotion his name maybe placed below Shri Kalparam Kachari, Supdt. And above Shri Swapan Kr. Roy, Supdt. (vide Estt. Order No. 147/93 dated 15.6.93) in the seniority list. His pay should be fixed under F.R. 27 at the stage it would have reached; had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible.

He is hereby asked to exercise option within one month from the date of promotion as to whether his initial pay should be fixed in the higher post on the basis of F.R.22(I)(a)(1) straightway without any further review on accrual of increment in the pay scale of the lower post or this pay on promotion should be fixed initially in the manner as provided under F.R. 22(a) (i) which may be refixed under the provision of F.R. 22 (I) (a) (1) on the date of accrual of next increment in the scale of pay of lower post. Option once exercised shall be final.

In the event of refusal of promotion he would be debarred from promotion for a period of one year.

PART - IITRANSFER AND POSTING

On promotion, as Superintendent Group 'B', Shri N.G.Sen is hereby temporarily transferred and post at C.Ex. Hqrs. Office, Shillong with immediate effect and until further orders.

Sd/
(L.R.MITHRAN)
COMMISSIONER OF CENTRAL EXCISE
SHILLONG

Attended
Sp. Secy

Nani Gopal Sen

C. No. II(3)9/ET.III/95/303051536 Dated 25th Oct.1995

Copy forwarded for information and necessary action to :-

1. The Sr. P.A. to Commsnr. Of Cus. Prev., NER, Shillong.
2. The Addl. Commsnr(Tech), Hqrs. Office, Shillong.
3. The Dy. Commsnr.(Audit), Hqrs. Office, Shillong.
4. The Assistant Commissioner of C. Ex., Silchar C.Ex. Divn., The copy meant for the concerned officer is enclosed.
5. Shri N.G.Sen, Inspector for compliance.
6. The P.A.O/C.A.O. of Cus. & C.Ex. Shillong.
7. Accounts I & II/ET.I & II/Confdl. Br./CIU-cu-VIG.Br.
8. The Supdt.(Hqrs.), Hqrs. Office, Shillong.
9. The General Secretary, Group 'B'/Group 'C' Executive Officers' Association, Customs and Central Excise, Shillong.
10. Guard file.

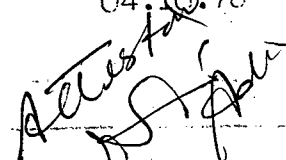
Sd/- Illegible
(J.L.NGILNEIA)
ADDITIONAL COMMISSIONER (P & V)
CUSTOMS & CENTRAL EXCISE ; SHILLONG

*Accepted
J.L.Ng
Adm.*

SENIORITY LIST IN THE GRADE OF INSPECTOR AS ON 01.01.1993

Sl. No.	Name and Qualification	Date of Birth.	Date of app'tt. in the Govt. Service.	Date of confirmation.	Date of app'tt. as Inspector.	Whether DR/PR	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHRI</u>						
1.	Nibash Kanti Barman, B. A.	08.02.51	28.01.77	01.03.79	28.01.77	DR	
2.	Bijoy Krishna Deb, I.A.	01.02.39	14.02.62	01.09.79	13.11.76	PR	
3.	Arun Kumar Dutta, B.A.	27.03.54	27.01.77	01.01.80	27.01.77	DR	
4.	Rameswar Bhattacharjee, B.Sc.	27.01.53	22.01.77	01.01.80	22.01.77	DR	
5.	M. Supra Singh, Matric	01.07.35	26.06.67	01.01.80	26.10.76	PR	
6.	Nikhil Kumar Nath, B.Sc.	17.01.51	19.09.77	01.01.80	19.09.77	DR	
7.	Moley Kanti Bose, B.Sc.	17.10.51	19.07.77	24.11.80	19.7.77	DR	
8.	Ashoke Kumar Choudhury, B.A.	01.06.53	19.09.77	13.12.80	19.09.77	DR	
9.	Kishalay Das, B.A.	19.3.55	04.10.78	13.12.80	04.10.78	DR	
10.	Jogodish Chandara Das(No.1), B.A.	23.06.52	21.07.74	13.12.80	20.11.78	PR	
11.	Amitabha Bhattacharjee(No.1), B.Sc.	01.03.56	25.09.78	13.12.80	25.11.78	PR	
12.	Alok Chatterjee, B.Sc.	01.04.56	04.10.78	13.12.80	04.10.78	DR	
13.	Pranab Sikdar, B.Sc.	24.04.51	12.10.78	13.12.80	12.10.78	DR	
14.	Kshitish Ch. Sarkar, Matric	05.07.46	25.01.65	13.12.80	27.11.78	PR	
15.	Bidyut Kr. Banerjee, B.Sc.	26.02.56	30.09.78	13.12.80	30.09.78	DR	On deputation to E.I.B., New Delhi.
16.	Sudhakar Sharma, M.Sc.	31.03.52	25.11.73	13.12.80	25.11.78	DR	
17.	Pranay Kanti Deb, B.Com.	26.01.54	12.06.74	13.12.80	14.11.78	DR	
18.	R. Lalngurauba (ST), B.A.	01.03.57	03.10.78	13.12.80	03.10.78	DR	
19.	Utpal Kumar Das (ST), B.A.	01.12.52	30.10.78	13.12.80	30.10.78	DR	
20.	Sashidhar Pegu (ST), B.A.	01.09.48	04.10.78	13.12.80	04.10.78	DR	

Contd.....P/2-.....



 A. K. Das

- 3 -

1.	2.	3.	4.	5.	6.	7.	8.
43.	<u>S. S. RI</u> Raja Gopal Mandal, B. Sc.	21-9-52	27-5-79	1-10-81	27-10-79	DR	
44.	Debabrata Paul, B. Com.	28-11-49	28-10-70	1-10-81	23-10-80	PR	
45.	Suranga Ch. Sarkar, Matric	25-11-44	28-10-70	1-10-81	29-10-80	PR	
46.	Edip Deb, B. Sc.	15-5-54	7-3-80	1-10-81	7-3-80	PR	
47.	Ani Gopal Sen, (SC), B. A.	28-8-48	28-10-70	1-10-81	26-10-80	PR	
48.	Jagan Kr. Roy, (SC), B. A.	16-3-51	10-11-80	1-10-81	10-11-80	DR	
49.	Abendra Ch. Das, (SC), B. A.	1-5-45	25-1-65	1-3-82	29-11-78	PR	
50.	Abhashish Bhattacharjee, B. A.	25-3-54	7-11-75	1-12-82	6-11-82	PR	
51.	Halua Hauzel (ST), B. A.	1-3-54	6-3-80	1-12-82	6-3-80	DR	
52.	Abendralal Sutradhar (SC) Matric	1-4-35	5-12-56	1-12-82	26-4-80	PR	
53.	Abanlal Bhowmic, P.U.	26-12-53	18-2-76	1-12-82	16-11-82	PR	
54.	N. Hartlong, (ST), B. A.	1-3-56	22-11-79	1-12-82	22-11-79	DR	
55.	Ekesh Rn. Dhar, B. A.	6-5-53	9-2-76	1-12-82	16-11-82	PR	
56.	Rijan Ganguli, B. Sc.	1-8-55	13-2-76	1-12-82	16-11-82	PR	
57.	Chinit Ghosh, B. Sc.	5-11-52	21-2-76	1-12-82	16-11-82	PR	
58.	Biswajit Bhattacharjee, B. A.	30-6-56	20-2-76	1-12-82	16-11-82	PR	
59.	Prima Ram Baruah, P. U.	1-2-51	2-11-70	1-12-82	16-11-82	PR	
60.	Smt. Purabi Debgupta, B. A.	1-12-54	6-11-75	1-12-82	16-11-82	PR	
61.	Madu Sudhan Tyagi, B. Sc.	20-7-57	13-4-81	1-12-82	13-4-81	DR	On deputation to NCB New delhi.
62.	Patindra Bhattacharjee, B. Sc.	6-11-54	6-3-74	1-12-82	16-11-82	PR	
63.	Smt. Rosemary Shabong (ST) Matric	1-9-44	1-8-71	1-12-82	16-11-82	PR	
64.	Agajyoti Acharjee, B. Sc.	1-1-55	30-3-81	1-12-82	30-3-81	DR	

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1 - - - - - 2 - - - - - 3 - - - - - 4 - - - - - 5 - - - - - 6 - - - - - 7 - - - - - 8 - - - - -

S/SHRI							
65. Tapan Kr. Kar, B.A.	01.11.49	05.06.74	01.12.82	16.11.82	PR		
66. Priyoda Rn. Mallic (ST) P.U.	01.02.47	01.04.72	01.12.82	16.11.82	PR		
67. Smti Sayada Jasmine Bagum, B.A.	01.12.52	15.04.74	01.12.82	16.11.82	PR		
68. Dekajyoti Mishra, B.Com.	01.09.54	01.06.74	01.12.82	16.11.82	PR		
69. Haripada Debnath, B.sc.	01.02.45	20.03.74	01.12.82	16.11.82	PR		
70. Gopal Ch. Das (SC) B.A.(H), L.L.B.	01.01.56	25.01.77	01.12.82	16.11.82	PR		
71. L. Hauferram (ST) P.U.	24.12.46	01.03.74	01.12.82	16.11.82	PR		
72. Arum Kumar Chaturvedi, M.A.	25.12.54	08.04.81	01.12.82	08.04.81	DR	On deputation to	DGRI, New Delhi.
73. Sachindra Nath Das (SC), B.A.	01.12.55	06.05.77	01.12.82	16.11.82	PR		
74. Sudip Kr. Nandi, B.Sc.	01.02.51	07.09.77	01.12.82	16.11.82	PR	On deputation to	DRI, Silchar.
75. S. K. Vidyanta, M.Sc.	13.02.56	27.03.81	01.12.82	27.03.81	DR		
76. Setal Ch. Das (SC), H.S.L.C.	02.09.51	12.03.74	01.12.82	16.11.82	PR		
77. Dilip Kr. Verma, B.Sc.	16.06.55	10.06.81	01.12.82	10.06.81	DR	On deputation to	DGAE, Patna.
78. Susmal Das, B.Sc.	02.01.56	23.05.81	01.12.80	23.05.81	DR	On deputation to	NCB, New Delhi.
79. Biman Ch. Das(SC), H.S.D.C.	21.08.47	15.03.74	01.12.82	16.11.82	PR		
80. Jyotish Ch. Das(SC) B.A.	01.12.52	14.11.77	01.12.82	16.11.82	PR		
81. Amit Kumar Deb, Matric	01.10.43	06.04.74	01.12.82	16.11.82	PR		
82. Karendra Ch. Rabha(ST), B.A.	01.11.49	22.01.77	01.12.82	26.11.82	PR		
83. Khanindra Neog, B.Com.	11.06.55	30.03.81	01.12.82	30.03.81	DR		
84. Smti. Lilyda Shangpliang (ST), B.A.	27.01.52	03.02.74	01.12.82	16.11.82	PR		
85. Ashok Kr. Dey, B.A.	10.06.53	10.04.78	01.08.83	15.07.83	PR		
86. Balaram Das, P.U. Sc.	12.02.53	23.06.77	01.08.83	18.07.83	PR		

1.	2.	3.	4.	5.	6.	7.	8.
<u>S/SHRI</u>							
87.	Smti. Hilda Mary Synrem(ST), P.U.	7.12.50	14.2.78	1.8.83	5.7.83	PR	
88.	Dhaniram Das, P.U.	7.2.50	26.2.78	1.8.83	22.7.83	PR	
89.	Ranabir Chakravorty, B.Sc.	24.2.53	8.1.79	5.3.86	5.3.84	PR	
90.	Jambu Lama(ST), B.A.	12.4.55	9.6.81	5.3.86	9.6.81	DR	
91.	Smti. Sibani Bhattacharjee, P.U.	1.9.55	28.7.76	13.3.86	14.3.84	PR	
92.	Nimai Chandra Patra, (ST), B.Sc.	1.1.54	16.3.79	13.3.86	30.6.81	DR	On deputation to N.C.B Calcutta.
93.	Nritya Gopal Barma (ST), B.Sc.	27.12.54	30.3.81	13.3.86	30.3.81	DR	
94.	Alagri Swami(SC), B.A.	31.8.47	30.3.81	13.3.86	30.3.81	DR	
95.	Smti. Rita Rani Bhowmik, B.A.	1.7.57	31.7.76	13.3.86	12.2.84	PR	
96.	Bapukar Patir(ST), BA	30.4.50	27.3.81	13.3.86	27.3.81	DR	
97.	Smti. Champa Shome, B.A.	3.9.51	26.7.76	19.3.86	19.3.84	PR	
98.	Smti. K. Patrica Laloo (ST) P.U.	9.7.56	22.7.76	19.3.86	7.3.84	PR	
99.	Raju Sonowal (ST), B.A.	1.4.56	30.3.81	19.3.86	30.3.81	DR	
100.	Gobinda Thabab(ST), B.A.	20.11.54	27.3.81	19.3.86	27.3.81	DR	
101.	Chakrendu Baruah, B.Sc.	1.2.53	3.8.79	7.6.86	9.6.84	PR	
102.	T. Tuankhanthang (ST), B.Sc.	1.3.55	13.4.81	7.6.86	13.4.81	DR	
103.	Prabitra Kumar Reang (ST), B.A.	5.9.51	30.3.81	7.6.86	30.3.81	DR	
104.	Md. Ali Mazarbhuyan, B.A.	11.2.52	13.3.74	7.6.86	14.10.83	PR	
105.	Pareesh Debnath, B.Sc.	2.2.56	1.4.82	7.6.86	1.4.82	DR	
106.	Ashish Roy, B.Sc.	1.6.55	4.5.79	29.11.80	29.11.84	PR	
107.	Eijoy Krishna Deb, B.Com.	5.6.56	19.1.82	29.11.86	19.1.82	DR	
108.	Kamal Narayan Choudhury, B.Sc.	1.12.52	15.7.79	29.11.86	29.11.84	PR	

Contd.....P/6.....

SENIORITY LIST OF INSPECTOR (S.G. AND O.G) AS ON 1-1-1985.

No. of person :-

No. of pmt. persons :-

Sl. No.	DIRECT OR PROMOTEE	Name & Qualification	Departmental Examination passed	Date of birth	Home district	Date of commencement of continuous service		
						(a) Govt.	(b) Central Excise deptt.	(c) Present gradn.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		S/Shri.						
1.	PR	Pratap Chandra Deb Choudhury, B.A	PASSED	1-10-28	Calcutta	-15.4.54	15.4.54	27.1.79
2.	PR	Rebati Ranjan Barman, Matric	PASSED	1-5-27	Tripura (w)	-16.4.47	16.4.47	8.1.79
3.	PR	Hirmalya Dutta Choudhury, B.A	PASSED	1-4-32	Cachar	-10.4.56	10.4.56	12.10.79
4.	PR	Harendra Kumar Dutta, B.A	PASSED	1-2-29	Karimganj	-16.4.56	16.4.56	27.1.79
5.	PR	Harindra Kumar Kax Paul, Matric.	PASSED	1-3-28	Kamrup	-1-2-52	-1.2.52	17.12.56
6.	PR	Digendra Kumar Paul, Matric.	PASSED	1-3-29	Burdhwan	-10.3.52	10.3.52	19.12.56
7.	PR	Biomkesh Chakraborty, B.Sc.	PASSED	10-12-35	Cachar	-20.12.56	20.12.56	20.12.56
8.	PR	Bimal Kanti Biswas, B.A	PASSED	1-6-35	Sibsagar	-24.12.56	24.12.56	24.12.56

(Contd....B/2).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
312.	DR	S/Shri Bijoy Kumar Joshi, M.Sc.	PASSED	17.4.59	Nishatganj (U.P.)	17.8.32	27.8.32	17.8.32.
313.	PR	Diswajit Bhattacharjee, B.A.	PASSED	30.6.56	Cachar	20.2.76	20.2.76	15.11.32.
314.	PR	Priya Ram Baruah, P.U.	PASSED	1.2.51	Sibsagar	2.11.70	2.11.70	15.11.32.
315.	PR	Purabi Deb Gupta, B.A.	PASSED	1.12.54	Cachar	6.11.75	6.11.75	15.11.32.
316.	DR	Madhu Sudhan Tyagi, B.Sc.	PASSED	20.7.57	Delhi	13.4.81	13.4.81	15.4.81.
317.	PR	Rathindra Bhattacharjee, B.Sc.	PASSED	6.11.54	Karimganj 5	6.3.74	6.3.74	15.11.32.
318.	PR	Rose Mary Shabong (ST), Metric	PASSED	1-9-44	E.K.Hills	5.8.71	5.8.71	15.11.32.
319.	DR	Debojyoti Acharjee, B.Sc.	PASSED	1.1.55	Cachar	30.3.81	30.3.81	30.3.81.
320.	PR	Napan Kumar Kar, B.A.	PASSED	1.11.49	Dhubri	5.6.74	5.6.74	15.11.32. 15.11.32.
321.	IR	Kriyoda Ranjan Mallick (SC), P.U.	PASSED	1.2.47	Karimganj	1.4.72	1.4.72	15.11.32.
322.	PR	Sayada Jasmin Begum (B.A.)	PASSED	1.12.52	Jorhat	15.1.74	15.1.74	15.11.32.
323.	DR	Ashvani Kumar Sharma, B.Sc.	PASSED	26.12.54	Delhi	6.4.81	6.4.81	6.4.81.
324.	PR	Debojyoti Mishra, B.Com.	PASSED	1.9.54	Dibrugarh	1.6.74	1.6.74	15.11.32.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
325.	PR	S/Shri Haripada Debnath, B.Sc	PASSED	1.2.49	Cachar	20.3.74	20.3.74	16.11.82
326.	PR	Gopal Chandra Das(SC), BA	PASSED	1.1.56	Dibrugarh	25.1.77	25.1.77	16.11.82.
327.	PR	L.Haufairen (ST) PU	PASSED	24.12.46	Cachar	1.3.74	1.3.74	16.11.82.
328.	DR	Arun Kumar Chaturvedi, MA	PASSED	25.12.54	Baranashi	8.4.81	8.4.81	8.4.81.
329.	PR	Sachindra Nath Das (SC), H.S.L.C.	PASSED	2.12.55	Dibrugarh	6.5.77	6.5.77	16.11.82.
330.	PR	Sudip Kumar Nandi, B.Sc	PASSED	1.2.51	Kanrup	7.9.77	7.9.77	16.11.82.
331.	PR	Sital Chandra Das, (SC), H.S.L.C.	PASSED	2.10.51	Tripura(W)	12.3.74	12.3.74	16.11.82.
332.	DR	Dilip Kumar Varma, B.Sc	PASSED	16.6.55	Patna	10.6.81	10.6.81	10.6.81.
333.	DR	Susmal Das, B.Sc.	PASSED	2.1.56	Delhi	23.5.81	23.5.81	23.5.81.
334.	PR	Binan Chandra Das(SC), H.S.L.C.	PASSED	21.8.47	Cachar	15.3.74	15.3.74	16.11.82.
335.	PR	Jyotish Chandra Das(SC), B.A		1.12.52	Goalpara	14.11.77	14.11.77	16.11.82.
336.	PR	Anvit Kumar Deb, Matric	PASSED	1.10.43	Cachar	6.4.74	6.4.74	16.11.82.
337.	PR	Karendra Chandra Rabha, (ST), B.A	PASSED	1.11.49	Goalpara	22.1.77	22.1.77	16.11.82.
338.	DR	Khanindra Neog, B.Con.	PASSED	11.6.55	Jorhat	30.3.81	30.3.81	30.3.81.
339.	PR	Smti. Lily-Ba Shangpliang, (ST), BA BT	PASSED	27.11.51	E.K.Hills	3.2.74	3.2.74	16.11.82.
340.	PR	Ashok Kumar Dey, B.A	PASSED	10.6.53	Dibrugarh	10.4.78	10.4.78	05.7.83.

(Contd....P/24).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
341.	PR	S/Shri Doliran Das, (SC), P.U.	PASSED	12.2.53	Jorhat	23.6.77	23.6.77	18.7.85.
342.	DR	Arun Prakesh, B.Com	PASSED	1.1.57	Bhojpur	12.5.81.	12.5.81	12.5.81.
343.	PR	Smti Hilda Narry Synron(ST), P.U.	PASSED	7.12.50	E.K.Hills	14.2.78	14.2.78	6.7.85.
344.	PR	Dhani Ran Das, P.U.	PASSED	7.2.50	Kanrup	26.2.74	26.2.74	22.7.85.
345.	PR	Ranabir Chakraborty B.Sc.	PASSED	24.2.53	Tripura(N)	3.1.79	3.1.79	5.3.84.
346.	DR	Pratap Singh Shomrain, B.Com.	PASSED	3.2.56		19.4.81	19.4.81	19.4.81.
347.	DR	Pramod Kumar, B.Sc	PASSED	7.10.59	Deoria	1.4.81	1.4.81	1.4.81.
348.	PR	Dipankar Doy, B.Com		27.1.53	Karinganaj	26.5.71	26.5.71	5.3.84.
349.	PR	Laltawnliana (ST), Matric.	PASSED	1.3.50	Mizoram	7.10.71	7.10.71	16.11.82.
350.	DR	Hanbu Lona(ST), B.A	PASSED	12.4.55	Darjeeling	9.6.81	9.6.81	9.6.81.
351.	PR	Smti. Sibani Bhatta- charjee, P.U.	PASSED	1.9.55	Karinganaj	28.7.76	28.7.76	14.3.84.
352.	DR	Ninai Chandra Patra, (SC), B.Sc	PASSED	1.1.54	24-Pargana	30.6.81	30.6.81	30.6.81.
353.	DR	Nitya Gopal Barnan, (ST) B.Sc.	PASSED	27.12.54	Goalpara	30.3.81	30.3.81	30.3.81.
354.	DR	Alagiri Swamy, (SC), B.A.	PASSED	31.3.47	Tamilnadu	30.3.81	30.3.81	30.3.81.
355.	PR	Smti. Rita Rani Bhowmick, B.A.	PASSED	1.7.57	E.K.Hills	31.7.76	31.7.76	12.2.84.
356.	DR	Babu Bapukon Patir, (ST), B.A.	PASSED	30.4.50	N. Lakhimpur	27.3.81	27.3.81	27.3.81.

(Contd...P/25 /-).

Attested
[Signature]

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE-III 3

Original Application No. 241/91

Date of Order : This the 5th Day of September, 1995.

JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN
SHRI G.L. SANGLYINE, MEMBER (ADMN)

1. Shri Biman Dhar
Inspector, Customs & Central Excise,
PBC-II, Range
Guwahati

...Applicant

By Advocate Mr. B.K. Sharma, Mr. M.K. Choudhury, Mr. A.K. Roy.
Vs.

1. Union of India
represented by the Secretary
Ministry of Finance
New Delhi.
 2. Secretary, Central Board of Excise and Customs,
New Delhi
 3. The Collector,
Customs and Central Excise,
Shillong-793001.
 4. Shri Rasik Chandra Suklabaidya,
 5. Shri Niranjana Bhattacharjee,
 6. Shri Ranjit Kumar Bhattacharjee
 7. Shri Santosh Banik
 8. Shri Atul Chandra Das
 9. Shri Parimal Chandra Kar
 10. Shri Gopal Krishna Sarmabaral
 11. Shri Mohan Chandra Hazarika
- Respondents No. 4 to 11 are all Inspectors under the Collector of
Customs and Central Excise, Shillong-793001.

...Respondents

By Advocate Mr. A.K. Choudhury, Addl. C.G.S.C.

O R D E R

CHAUDHARI J (V.C.) :

In the absence of the learned advocate for the applicant we have
gone through the record and have heard Mr. A.K. Choudhury Addl. C.G.S.C.

*Attested
[Signature]*

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for respondents 1 to 3 and proceed to dispose of the O.A. on merits acting under Rule 15 of the CAT procedure (Rules) 1987. None of the private respondents have appeared.

2. The applicant assails the seniority list of Inspectors of Customs and Central Excise as on 1.1.1990 and prays that it be quashed and the official respondents be directed to rectify the same and assign correct seniority position to him above the respondents No.4 to 11 in the light of judgment of the Cuttack Bench of the Central Administrative Tribunal in O.A. No. 62 of 1971 (and companion matters) dated 10.4.89 with all consequential benefits. In paragraph 4.10 of the O.A. it is averred that the directions given by Cuttack Bench ought not to be confined to the direct recruits alone who approached the Tribunal but the same principle should necessarily be extended to all the direct recruits and their seniority position should be revised and fixed accordingly.
3. In the order of the Cuttack Bench aforesaid dated 10.4.89 (Annexure-2) it was held that the quota rule of recruitment had failed in as much as there was large scale deviation and consequently the rota rule of seniority cannot be given effect to and the date of appointment to the grade of Inspectors (O.G.) Central excise and Customs should determine the seniority. The present respondents 1 to 3 were the respondents in that case. They were directed to recast the seniority of the parties to that O.A. in the light of the principles containing in O.M. dated 7.3.1986 of the Department of Personnel and Training.
3. The respondents have not offered any comments in the W.S. about the aforesaid averment of the applicant contained in paragraph 4.10 of the O.A.) They have rather stated in paragraph 7 of the written statement that no decision on the representation of the applicant could be taken as the same is a policy matter and that the seniority had been determined on the basis of existing instructions on seniority in force at the relevant period. This is stated in answer to the averment in paragraph 4.11 of the application that the applicant had filed representation on 22.7.1991 to the Collector Customs and Central Excise claiming rectification of the seniority but that was not considered by the respondents.

Attested
J. S. J.

4. It appears to us reasonable that the respondents should dispose of the representation of the applicant on merits in the light of the decision of the Cuttack Bench (Annexure-2).
5. It is stated by Mr. Choudhury that after the order on M.P. 21/92 dated 4.2.92 was passed the applicant has been promoted as Superintendent of Customs and Central Excise. In paragraph 9 of the written statement it is stated that the seniority list of Inspectors as on 1.1.1991 was circulated in December 1991 and it was based on the guidelines of Govt. dated 7.2.1986 and it cannot be reopened. (However in our view the question of assigning correct seniority to the applicant in the promotional post has to be decided in the light of the decision of the Cuttack Bench. That can be adequately decided while disposing of the representation.
6. We therefore direct the respondent No.3 to dispose of the representation of the applicant in the light of the above observations as expeditiously as practicable after receiving the copy of this order and communicate the decision taken thereon to the applicant. It is needless to add that if the applicant would be aggrieved by that decision he will be at liberty to adopt such remedies as he may be advised in accordance with the law. The O.A. is disposed of accordingly. No order as to costs.

Dt 2 Appⁿ

Sd/- Vice-Chairman
Sd/- Member (ADMN)

Attest
Sd/-
Alu

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Annexure-IV 4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Date of decision : This the 22nd day of January, 1999

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

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

O.A. No. 101 of 1995

Sri Jibanlal Bhowmick

...Applicant

By Advocate Mr. M.Chand

-versus-

Union of India & Ors.

...Respondents

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

O.A. NO. 171 of 1995

Sri Debajyoti Mishra

...Applicant

By Advocate Mr. M. Chanda

-versus-

Union of India & Ors.

.....Respondents

O.A. No. 147 of 1995

Sri Ashoke Dey & Ors

.....Applicant

By Advocate Mr. M. Chanda

-versus-

Union of India & Ors.

.....Respondents

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

O R D E R

BARUAH J. (V.C.).

All the above three original applications involve common questions of law and similar facts. Therefore, we dispose of all the three applications by this common order.

2. All the applicants were Inspectors of Customs and Central Excise, working in the North Eastern Region at the material time. They were

*Substantive
S. J. Ach.*

appointed on ad hoc basis during the period from 1981 to 1983 and later on they were regularly appointed Inspectors. The seniority of the applicants was fixed above the private respondents in pursuance of the Office Memorandum dated 22.12.1959 issued by the Department of Personnel and Training, Ministry of Home Affairs, New Delhi. According to the applicants such seniority was settled long back in the cadre of Inspectors in the year 1983. The applicants further state that the seniority used to be maintained on Regional basis. Such seniority was fixed in terms of Quota Rota Rule as per the guidelines given in O.M. dated 22.12.1959. This practice continued till 1993. In October 1994 a Draft seniority list was published by the respondents above the applicants. This was in violation of the provisions of the Office Memorandum dated 7.2.1986 where by the old cases were sought to be reopened. The draft seniority list was prepared. By the draft seniority list so prepared, a letter dated 24.10.1994 was issued showing the applicants juniors to the private respondents. According to the applicants the draft seniority list which was later on made final was in violation of the Office Memorandum dated 7.2.1986 in as much as in the said draft seniority list the old cases had been re opened, which was prohibited by the Office Memorandum dated 7.2.1986. After the publication of the draft seniority list the applicants submitted representation objecting the draft seniority list. These representations were disposed of against the applicants by order dated 27.4.1995 and the draft seniority list so published is declared final. Being aggrieved, the applicants have approached this Tribunal by filing the aforesaid Original Applications.

3. In due course the respondents have entered appearance. The official respondents have filed written statements in all the application. In O.A. No. 101/95 the private respondent No.16 has filed written statement. In O.A. No. 147/95 none of the private respondents 5 to 36 has filed written statement. In O.A. Nos. 171/95 private respondent Nos. 5,27,28 and 31 have filed written statements, others have not filed any written statement even though notices were duly served on them as will appear from the office note. Today Mr. B.K.Sharma, learned counsel

Attested
D.S. Adh.

appearing on behalf of respondent No. 16 in O.A. 101/95, 7,30 and 31 in O.A. No. 147/95 and Respondent Nos. 5,27,28 in O.A. No. 171/95 is present. Mr. B.P Katakai has entered appearance for respondent nos. 28 in O.A. 171/95. However, he is not present today before the Tribunal.

We have heard Mr. M.Chanda, learned counsel for all the applicants, Mr. A.Deb Roy, learned Sr. C.G.S.C. for all the official Respondents and Mr. B.K.Sharma, learned counsel for some of the private respondents as mentioned above. Mr. Chanda submits that the applicants were originally shown senior to the private respondents since their appointments by promotion to the rank of Inspector of Customs and Central Excise were earlier. This was done in strict compliance with the Office Memorandum dated 22.12.1959. During the period of 1959-85 the quota-rota system was prevalent. The persons were appointed by promotion or directly recruited on the basis of the quota. However, Mr. Chanda submits that by yet another Office Memorandum dated 7.2.1986 issued by the Ministry of Personnel & Training, the old system of quota-rota had been done away and in its place the seniority was required to the fixed as per the date of appointment. The quota-rota system was abolished after the O.M. 86. As per the said O.M. 86 the old cases where the seniority had already been fixed would not be reopened. The Office Memorandum dated 7.2.1986 was to take effect from 1.3.1986. Relying on this Mr. Chanda submits that as the quota-rota system was there and the same procedure was followed, the applicants were put above the direct recruits on the basis of quota-rota system, the said seniority ought to have been maintained. Instead, the respondents have made a total change in the seniority list in utter violation of the provisions contained in para 7 of the Office Memorandum dated 7.2.86. Learned counsel further submits that when the seniority on earlier occasion putting the applicants above the private respondents they never objected. He also submits that the applicants having occupied the place for along time their seniority positions ought not to have been disturbed. It is also submitted that the decision of the Calcutta Bench rendered in O.A. No. 925/92 is not binding on the applicants in as much as the applicants were never served with a notice. The decision was made ex parte in their

Attested
S. S. Khan

absence. They had no knowledge whatsoever, about it. They came to know it only from the written statement filed by the respondent NO. 16 in O.A. No. 101/95. The written statement filed by the official respondents is silent in this regard.

Mr. Deb Roy, learned Sr. C.G.S.C. submits that prior to Office Memorandum dated 7.2.86, the quota rota system was in vogue. This system was abolished by the said Office Memorandum dated 7.2.86. He however, very fairly submits that the relative seniority of Inspectors between Direct Recruits and Promotees was maintained as per circular dated 22.12.1959.

6. Mr. B.K.Sharma, learned counsel submits that though quota rota system was applicable as per the Office Memorandum dated 22.12.1959, this system was never adhered to. In fact, there was a break down of this system and the procedure as prescribed in the subsequent notification dated 7.2.1986 was in fact followed. Therefore, there was no question of following quota-rota system. Besides he has drawn our attention to a decision of Cuttack Bench of the Central Administrative Tribunal. Relying on this Mr. Sharma states that the quota-rota system was never followed and therefore the Office Memorandum dated 22.12.1959 had no relevance in the facts and circumstances of the case. Besides he has also drawn our attention to paragraph 14 of the judgment of the Cuttack Bench. Referring to that Mr. Sharma submits that seniority already determined to accept the provision of the Office Memorandum dated 7.2.1986. agreeing with the Madras Bench of the Tribunal it was held that the principles laid down by the Supreme Court should be given effect from the date of pronouncement of the judgment by the Supreme court and not from any prospective date. It was further held that Memorandum dated 7.2.1986 could not supersede the Supreme court decision and must not be taken into account while upsetting the seniority once fixed. Mr. Sharma further submits that an SLP was filed against the Calcutta Bench decision and the said SLP was dismissed. However, Mr. Sharma, when asked to produce the order, expressed his inability to do so. In the written statement there is no averment to the effect that the SLP against Calcutta Bench decision was dismissed. On the other hand

Mr. Chanda submits that he has no knowledge about it. Mr. Sharma further draws our attention to a decision of this Tribunal given in Original Application No.241 of 1991. Beside this, Mr. Sharma has relied upon two other decisions viz. A. Jnardhana Vs. Union of India and others reported in AIR (1983) SC 769 and AIR (1987) SC 716, A.N. Pathak and others Vs. Secretary to the Government.

7. On the other hand Mr. Chanda has referred to a catena of decisions.
8. On the rival contention of the learned counsel for the parties, it is to be seen whether the applicants are entitled to the relief claimed.
9. The controversy relates to which of the Office Memoranda, namely, Office Memorandum dated 22.12.1959 or Office Memorandum dated 7.2.1986, was applicable to the applicants and the private respondents at the material time. Para 6 of the Office Memorandum dated 22.12.1959 (OM 59 for short) states that the relative seniority shall be determined according to the rotation of vacancies between the direct recruits and promotees on the basis of vacancies reserved for the aforesaid two categories of employees as per the Recruitment Rules. The respondent Nos. 1 to 4 in their written statement have stated as follows ;

"..... the relative seniority of Inspectors between DRs and PRs in this department were maintained as per Ministry of Home Affairs O.M. No. 9/11/55-RPS, dated 22.12.1959 i.e. according to rotation of vacancies reserved for DRs and PRs as per Recruitment Rules. As per this principle, if in a year, sufficient DRs or PRs were not available, the practice followed was to keep the slot meant for DRs or PRs, which could not be filled up, vacant and where such DRs or PRs were available through later examination as/Selections, such persons occupied these vacant slots thereby becoming senior to some of the Officers already in position.

The respondents have also stated in their written statement that revised seniority list was prepared in accordance with the judgment of the Calcutta Bench of this Tribunal whereby the respondents were directed to refix the seniority of Shri N.C.atra and another in the light of the judgment referred to above. The Tribunal also directed to refix the seniority of similarly situated employees in the light of judgment of Cuttack Bench and the two decisions of the Apex Court referred to in the said decision.

10. As per the Office Memorandum dated 7.2.1986 (OM 86 for short) the seniority to be fixed from the date of promotion or appointment as the case may be without following the Quota-rotta system. In para 14 of the judgment passed by the Cuttack Bench in Original Application Nos. 62 to 71 of 1987 observed as under :

"..... The seniority already determined by the department has been challenged by the applicants on the basis of pronouncement of the Supreme Court, some of which have been referred to in the preceding paragraphs. We are, therefore, unable to appreciate the provision in paragraph 7 of the office memorandum dated 7.2.1986 which has made the revised procedure for determination of seniority effective only from 1st March 1986. We agree with the Madras Bench that the Principles laid down by the Supreme court have to be given effect to at least from the date of pronouncement of the decision by the Supreme Court.....".

Calcutta Bench of the Tribunal after hearing the parties found that the Cuttack Bench judgment has already been implemented. The judgment was passed in 1989 and no stay order was granted by the Supreme Court. This Bench also had an occasion to decide a similar matter. While deciding the similar matter in O.A. No. 241 of 1991 this Bench observed as follows :

" 5.In paragraph 9 of the written statement it is stated that the seniority list of Inspectors as on 1.1.91 was circulated in December 1991 and it was based on the guidelines of Govt. dated 7.2.1986 and it cannot be reopened. However in our view the question of assigning correct seniority to the applicant in the promotional post has to be decided in the light of the decision of the Cuttack Bench. This can be adequately decided while disposing of the representation."

As per the above decisions whatever was held by the Cuttack Bench should be kept in mind in fixing the seniority. In A. Janardhana Vs. U.O.I. & Ors. (Supra) a similar matter came up before the Supreme Court. The Supreme Court observed as follows :

"28. It is a well recognised principle of service jurisprudence that any rule of seniority has to satisfy the

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Advocate*

test of equality of opportunity in public service as enshrined in Art.16. It is an equally well recognised cannon of service jurisprudence that in the absence of any other valid rule for determining inter se seniority of members belonging to the same service, the rule of continuous officiation or the length of service or the date of entering in service and continuous uninterrupted service thereafter would be valid and would satisfy the tests of art. 16. However, as we would presently point out we need not fall back upon this general principle for determining inter se seniority because in our view there is a specific rule governing inter se seniority between direct recruits and promotees in MES Class I service, and it was in force till 1974 when the impugned seniority list was drawn up."

The Supreme Court further observed :

".....Therefore, once the quota rule was wholly relaxed between 1959 and 1969 to suit the requirements of service and the recruitment made in relaxation of quota rule and the minimum qualification rule for direct recruits is held to be valid, no effect can be given to the seniority enunciated in para 3(iii), which was wholly interlinked with the quota rule and cannot exist apart from it on its own strength. This is impliedly accepted by the Union Government and is implicit in the seniority lists prepared in 1963 and 1967-68 in respect of AEE, because both those rule of seniority enunciated in annexure 'A' to army Instruction No. 241 of 1950 dated September, 1, 1949, and not in compliance with para 3 (iii) of Appendix V."

In the said case Supreme Court considered 1949 Rules which came into force on April 1, 1951. In the said rule the provision was made for determining inter se seniority between direct recruits and promotees. In the Appendix v of the said Rules it was provided that the roster should be maintained indicating the order in which appointments had to be made by direct recruitment or promotion in accordance with the percentages fixed for each method of recruitment in the recruitment rules. The relative seniority of the promotees and direct recruits should be determined by the dates on which the vacancies reserved for the direct and promotees occur. This 1949 Rules related the quota of 1:1 between direct recruits and promotees. It

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S. S. John

showed that the roster was to be maintained consistently with the quota so that relative inter se seniority of promotees and direct recruits could be determined on the date on which vacancy occurred and the vacancy is for the direct recruit or for the promotees. If the quota prescribed was adhered to or inviable, the rule seniority as per the Appendix V would have to be given full play and the seniority list had to be drawn in accordance with it. But once the quota rule gave away the seniority rule as prescribed the same became otiose and ineffective.

11. The next decision cited Mr. B.K.Sharma is A.N. Pathak and Others Vs. Secretary to the Government, Ministry of Defence and another, reported in AIR 1987, SC 716, when similar questions came up before the Apex Court. In the said decision, relying on the decision of A Janardhana Vs. Union of India and Others (Supra), the Apex Court observed thus :

"14.length of service and seniority, in cases where there was inordinate delay in making direct recruitment. He tried to justify the inequity saying that the new rules have tried to rectify it. We are not satisfied with this explanation since that is little consolation to the petitioners. We are of the view that grievance of the petitioners is justified in law. The rules enabling the authorities to fill in vacancies for direct recruits as and when recruitment is made and thereby destroying the service cannot but be viewed with disfavour. If the authorities want to adhere to the rules strictly all that is necessary is to be prompted in making direct recruitment. Delay in making appointments by direct recruitment should not visit the promotees with adverse consequences, denying them the benefit of their service."

12. Mr. Chanda has drawn our attention to a decision in the Case of Union of India & Ors. Vs. G.K. Vaidyanathan and Others, reported in AIR (1996) SC 688. In the said case a three Judge Bench of the Apex Court observed as follows :

"12.We are of the opinion that the learned Additional Solicitor General is right in his submission that

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the decision of the Madras Tribunal is based upon a concession and cannot, therefore, be treated as a decision on merits. The said concession made by direct recruits cannot and does not bind the Union of India, which is equally an affected party in the matter. No such concession was made by any of the respondents before the Bangalore Bench. As stated above, the direct recruits impleaded as respondents before the Bangalore Tribunal. Moreover, the said concession is found to be opposed to the record, as found by the Bangalore Tribunal, which has recorded on a perusal of relevant records, that even during the years 1978 to 1981 - the period during which the promotees say, there was a break down in the quota rule - both direct recruitments and promotions were being made though it may be that promotions were being made though it may be that promotions to the cadre were made in excess of the quota. The correctness of the facts recorded in Para 28 of the decision of the Bangalore Tribunal is not disputed or questioned before us. Once this is so, the very theory of break-downs of the quota rule falls to the ground. In such a situation, it is not necessary either to deal with the decisions cited by the parties on the question when the quota rule can be said to have broken down or with the question whether the principle contained in Office Memorandum dated February 7, 1986 can be given retrospective effect. The factual situation concludes the issue against the promotee.

Regarding the break down the Apex Court observed in para 7 of the said judgment as follows :

"7.The direct recruits were impleaded as Respondent Nos. 4 to 19 who included Respondents Nos. 3 to 15 before the Madras Tribunal. The basis of the claim was identical, viz., the break down of the quota rule. The direct recruits remained ex parte but Union of India contested the promotees case. The Bangalore Tribunal looked into the relevant records and found as follows :

"On an examination of the records, we notice that there was a deviation or departure in adhering to the quotas prescribed for direct recruitment and promotion in the calendar years from 1978 to 1981 reckoning each year as one unit. In all these years, the posts in the cadres of CGI were filled in from two sources, viz. direct recruitment and promotions. Strange enough during these years, promotions to

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J. J. Adv.

the cadre in excess of direct recruitment. This then is the factual position revealed from the records.

In that case, of course, the Apex Court found that there was no break down. Again Mr. Chanda cited another decision, namely, Abraham Jacob and others Vs. Union of India and Others, reported in (1998) 4 SCC 65. In this case the Apex Court observed as follows :

"4... Further, the inter se seniority of such direct recruits and promotees has to be determined by taking recourse to the aforesaid office memorandum dated 22.12.1959 issued by the Government of India, in the Ministry of Home Affairs. Needless to mention that this principle has to be invoked for determination of inter se seniority of the appointees both direct recruits and promotees during the period 1969 till 09.9 1976 and in fact the Government has drawn up the aforesaid premises, the direction of the Tribunal in the impugned judgment to redraw the rule for the period prior to 9.9.1976 is unsustainable in law and we accordingly quash the said direction. Necessarily, therefore, the inter se seniority of the direct recruits and promotees in the cadre of Assistant Engineers for the period 1969 till 9.9.1976 has to be determined in accordance with the Government order dated 22.12.1959 issued by the Ministry of Home Affairs."

From the decision cited above, it appears that there is no rule regarding fixation of seniority, as in this case, O.M.' 59 is to be adhered to for the period for which the particular O.M. was in force. It is also stated that the O.M.'86 does not have any retrospective effect. Now, the question is, as Mr. B.K.Sharma has strenuously argued, as to whether the quota-rota rule as prescribed in O.M. dated 22.12.11959 had broken or not. The facts are not available before us. The applicants have submitted a seniority list prepared by the office for the period before 1986. No opportunity was given to the other side to rebut. The applicants have drawn our attention to the list; we cannot ignore looking into this. On looking to the list it cannot be said that the rule prescribed by O.M. '59 had in fact collapsed. If it had collapsed then the decision has to be taken in the light of the decision of A.

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Janardhana's case (Supra) and also the other decisions cited above. Due to the paucity of the materials available before us we are not in a position to decide this.

13. In view of the above, we send back the cases to the respondents to examine the entire matter afresh in the light of the decisions of the Apex Court referred to above. If the applicants claim personal hearing before any decision is taken, they may be given such opportunity. The non-official respondents may also be given opportunity of personal hearing if they so claim and they should be given at least seven days notice. This must be done as early as possible at any rate within a period of three months from the date of receipt of this order.

14. The applications are accordingly disposed of.

15. Considering the facts and circumstances of the case, we, however, make no order as to costs.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (Admn)

Certified by

Advocate

Attest for
Sd/-

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Annexure-4 5

To
The Commissioner
Central Excise and Customs
North Eastern Region, SHILLONG

(Through Proper Channel)

Sir,

Subject : **Determination of Seniority of Group-'B'
Superintendents of Central Excise and Customs
Commissionerate, Shillong.**

Kindly refer to the Additional Commissioner (P & V)'s letter C.No. II (34)/5/ET.I/30835-66 dated 22.3.2001 on the above subject.

I beg to approach your kind honour with the following humble prayer in expectancy of being favoured with judicious consideration.

1. That Sir, it will be evident an admitted fact that my colleague Shri Swapan Kumar Roy was junior to me in the grade of Inspector for last 15 years as per seniority list maintained and circulated from time to time by the Commissionerate Hqrs. Office, Shillong so far. But to my utter dismay, it has come to light from the revised seniority list of Superintendent, Group-'B' as circulated by the Additional Commissioner (P&V), Customs and Central Excise, Shillong vide his letter as mentioned above that Shri Swapan Kumar Roy, who was so long junior to me has been placed and shown as senior to me under serial no. 117 assigning my position under serial no. 144. It is a gross mistake which appears to be inconsistent and contrary to the promotion and transfer Order no. 313/1995 dated 19.10.1995 as communicated to me under endorsement C. No. II(3)/9/ET.III/95/3050545(A) dated 25.10.95 (Copy enclosed).
2. That Sir, it has become evident from the Hqrs. Establishment Order No. 313/1995 dated 19.10.1995 that my promotion to the grade of Superintendent, Shri Kalparam Kachari, Superintendent, may be placed above me and Shri Swapan Kumar Roy, Superintendent may be placed below me in the Seniority list. It will be pertinent to mention here that in obedience to Hon'ble Central Administrative Tribunal, Guwahati's Order dated 1.8.1995 my promotion to the grade of Superintendent was ordered by your judicious self and consequently by the Hon'ble C.A.T.'s Order Shri Swapan Kumar Roy was promoted to the grade of Superintendent vide Hqr. Establishment Order No. 147/1993 dated 15.6.1993 earlier to me has been revised and his seniority has been assigned and placed below me i.e. Shri Swapan Kumar Roy is junior to me all along right from the grade of Inspector to the grade of Superintendent.
3. In the light of above, I request you to kindly call for all material records and review the Seniority list so as to assign and place my seniority above Shri Swapan Kumar Roy to avoid consequences/complications which may

*See as per
Adv.*

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arise and follow from erroneous seniority list relating to service benefits in near future.

4. In fine, I firmly believe and expect that my humble submission will be considered expeditiously as possible preferably within one month keeping in view in its true perspective as stated hereinabove and for which act of kindness I shall remain ever grateful.

Yours faithfully,
(NANI GOPAL SEN)
30.3.2001
Superintendent (Group B)
Customs Division : Agartala.

*Received
for
J. Sen.*

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Annexure-VI⁶ (Extract)

GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
M.G.ROAD, SHILLONG - 793001

C. No. II(34)5/ET.I/92/24248-85

Dated 3.5.2001

To,

The Assistant Commissioner
Central Excise Division

The Deputy/Assistant Commissioner,
Customs Division

The Branch in Charge
Branch of Hqs. Office
Shillong

The Superintendent
Shillong Law Cell
Office of the Commissioner of Central Excise
Calcutta-II
M.S. Building, 5th Floor,
15/1/Strand Road,
Kolkata-700 001

Subject : Seniority List of Group B Superintendent as on 01.05.2001 of
Central Excise Commissionerate, Shillong-Circulation
thereof.

Consequent to the judgement dated 05.09.95 pronounced by the
Hon'ble CAT Guwahati in O.A. No. 241/91 and the Board's approval for
implementation communicated vide F. No.A 23018/3/97Ad.II B dated
17.11.1997, an integrated Seniority list of Superintendent was
circulated to all concerned vide this Office C. No.
II(34)5/ET.I/92/30835-66 dated 22.3.2001. Representations/objections, if
any, had been invited against the integrated Seniority List. Some
representations have been received and have been examined carefully.
These representations are given below in brief along with reasons, if
any for grounds of disposal.

I. Some of the representations have contended that their dates of
joining as Inspectors should be the basis for fixing their Seniority.
The principle laid down in DOP&Ts OM dated 7.2.1986 have been followed.
Therefore, the representations for fixing seniority with reference to
the date of joining is incorrect and hence not tenable.

ii. Representations have been received from officers, who have benefitted by
way of date of promotion in the integrated seniority list, that they
should be appropriately placed in the All India Seniority List with

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by
Advocate

retrospective benefit of promotion to Group 'A' post in the year 1997-98 as enjoyed by their batch mates. This issue will be taken up with the Ministry for extending all consequential benefits as permissible.

- iii. Some representations have contended that there were no vacancies when promotions were given to the grade of Superintendent during the relevant period and hence such officers should not be given seniority in the manner adopted in the integrated Seniority List. This contention is not correct as promotions were given against vacancies.
- iv. Some representations have mentioned that there have been mistakes in showing their date of birth and actual status under Col.3 and Col.8 of the integrated seniority list. These mistakes have been taken care of and necessary corrections have been made in the Seniority List. These mistakes have crept in due to the fact that earlier Seniority Lists published since their appointments carried these mistakes and the concerned officers have not represented for necessary corrections.
- v. Representations have also been received from the Superintendents promoted/appointed as on 01.04.95, regarding their placements in the integrated Seniority List. The revised seniority list of Inspectors (now Superintendent) which was circulated to all concerned vide office C. No. II(34)1/ET.I/96/28968-29010(A) dated 13.07.98 had been recasted in terms of Hon'ble CAT Guwahati's order dated 05.09.95 and representations, if any, had been invited from all concerned against the revised seniority of Inspectors (now Superintendent). All representations received against the revised seniority list dated 13.07.98 of Inspectors (now Superintendents) had been considered individually on merit in the past and disposed of by the Cadre Controlling Authority. The review DPC, for promotion to the grade of Superintendents was conducted strictly as per the revised seniority list of Inspectors (now Superintendents). Hence there would be no ground for placement in the integrated seniority list on any other criteria other than the revised seniority list of Inspectors (now Superintendents).

In view of the above, all the representations received against the integrated seniority list are hereby disposed of. A copy of the Final Seniority List of Superintendents is enclosed for circulation to all the concerned officers.

Enclo : As above.

Sd/- Illegible
(Z. TOCHHAWNG)
COMMISSIONER
CENTRAL EXCISE; SHILLONG

Copy forwarded for information & necessary action to :

Attested
Sd/-
P.S.

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18. Shri Nani Gopal Sen, Superintendent, for compliance.

19-21.

Sd/- Illegible
2.5.2001
(B. THAMAR)
Additional Commissioner (P&V)
CENTRAL EXCISE & CUSTOMS
SHILLONG

Allesford
S. J. Achatter

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SENIORITY LIST OF SUPERINTENDENT GROUP 'B' AS ON 01.05.2001.

Sl. No.	Name & Educational Qualification S/Shri	Date of Birth	Date of Apptt. in Govt. service	Date of confirmation in Govt. service	Date of joining as Inspector	Date /Deemed date of assumption of charge.	Whether DR/PR as Inspector	Remarks
01	02	03	04	05	06	07	08	09
01.	Biswajit Sarkar, B.Sc.	01.11.55	02.08.76	01.04.78	02.08.76	22.04.88	DR	
02.	Subir Kr. Chakraborty, B.A.	03.12.52	24.07.76	01.06.78	24.07.76	22.04.88	DR	
03.	S.P. Chakraborty, B.A.	05.08.50	20.03.72	01.07.78	28.07.76	22.04.88	DR	
04.	P.S. Purkayastha-I, B.Sc.	14.07.53	02.08.76	01.08.78	02.08.76	22.04.88	DR	
05.	Subodh Dhar (SC), B.Com.	27.06.54	17.09.77	13.12.80	17.09.77	22.04.88	DR	
06.	Rama Kanta Das, (SC), B.A.	01.01.54	09.10.75	13.12.80	03.10.78	22.04.88	DR	
07.	Ranjit Kr. Dutta, B.Sc.	10.08.51	26.07.76	01.09.78	26.07.76	29.08.89	DR	
08.	Indrajit Guha, B.Sc.	07.05.56	27.07.76	01.10.78	27.07.76	29.08.89	DR	
09.	A. Hore, B.Com.	31.07.53	23.07.76	01.10.78	23.07.76	29.08.89	DR	
10.	A. Dasgupta, B.Sc.	12.01.55	26.07.76	01.12.78	26.07.76	29.08.89	DR	
11.	B.B. Adhikari, B.Com.	22.11.53	07.06.74	20.05.79	26.07.76	29.08.89	DR	
12.	Gopendra Ch. Paul, B.A.	01.01.47	12.08.71	28.05.79	30.07.76	29.08.89	DR	
13.	P.K. Das-I, B.Sc.	01.03.55	02.08.76	20.05.79	02.08.76	29.08.89	DR	
14.	R.K. Goswami, B.Com.	07.06.54	23.07.76	28.05.79	23.07.76	29.08.89	DR	
15.	N. Bhattacharjee, Matric	15.05.51	04.01.71	20.05.79	17.11.76	29.08.89	PR	
16.	A.K. Sharma, B.Sc.	21.01.54	29.07.76	28.05.79	29.07.76	29.08.89	DR	
17.	Hemen Gogoi, B.Sc.	01.01.55	24.07.76	28.05.79	24.07.76	29.08.89	DR	
18.	A.B. Dutta, B.Sc.	01.07.55	21.07.76	28.05.79	21.07.76	29.08.89	DR	
19.	R.K. Bhattacharjee, P.U.	01.04.44	19.01.65	28.05.79	29.10.76	29.08.89	PR	
20.	S.K. Bose, B.A.	04.08.54	30.07.76	28.05.79	30.07.76	29.08.89	DR	
21.	D.K. Nath, B.A.	11.07.52	02.08.76	28.05.79	02.08.76	29.08.89	DR	
22.	S. Paul, B.Sc.	05.04.54	29.07.76	28.05.79	29.07.76	29.08.89	DR	
23.	M. Marbaniang, (ST) B.Com.	24.02.54	30.09.78	13.12.80	30.09.78	29.08.89	DR	
24.	Agnu Ram Das, (SC) Matric	01.10.43	25.01.65	13.12.80	12.12.78	29.08.89	PR	
25.	Apalak Das, (SC), B.A.	20.02.53	17.11.75	13.12.80	22.09.78	29.08.89	DR	
26.	Chandi Das Baidya (SC) B.Sc.	20.11.46	30.09.78	13.12.80	30.09.78	29.08.89	DR	

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01	02	03	04	05	06	07	08	09
27.	K.C. Mohan, B.A.	20.09.53	31.07.76	23.05.79	31.07.76	09.08.90	DR	
28.	C.M. Chakraborty, B.Sc.	26.12.51	26.07.76	28.05.79	26.07.76	09.08.90	DR	
29.	T.S. Sarkar, B.Sc.	02.05.55	27.07.76	28.05.79	27.07.76	09.08.90	DR	
30.	H.R. Saha, B.A.	16.03.51	13.07.76	28.05.79	13.07.76	09.08.90	DR	
31.	N.K. Chakraborty, B.Com.	01.03.44	01.03.62	28.05.79	02.08.76	09.08.90	DR	
32.	S. Bhowmick, B.A.	23.01.54	26.07.76	28.05.79	26.07.76	09.08.90	DR	
33.	J.R.H. Diengdoh, (ST), B.Sc.LLB	28.01.50	04.10.78	13.12.80	04.10.78	09.08.90	DR	
34.	Pranab Kumar Barua, (SC) B.Sc.	05.09.53	03.10.78	13.12.80	03.10.78	09.08.90	DR	
35.	A.V. Duha, (ST), B.A.	01.03.51	13.09.75	31.10.77	13.09.75	20.06.91	DR	
36.	Md. Khurshed Ahmed, B.A.	01.03.52	30.07.76	28.06.79	30.07.76	20.06.91	DR	
37.	P.K. Das, -II, B.Sc.	01.03.48	06.02.74	23.05.79	30.07.76	20.06.91	DR	
38.	P. Sharma, B.Sc.	01.09.56	29.07.76	28.05.79	29.07.76	20.06.91	DR	
39.	U.C. Das, M.A.	19.12.53	29.07.76	28.05.79	29.07.76	20.06.91	DR	
40.	Biman-Dhar, B.Sc.	27.10.53	31.07.76	28.05.79	31.07.76	20.06.91	DR	
41.	B. Paul, B.Com.	23.01.53	28.07.75	28.05.79	02.08.76	20.06.91	DR	
42.	P.B. Nag, B.A.	25.10.52	26.07.76	28.05.79	26.07.76	20.06.91	DR	
43.	G.K. Sharma Boral, HSLC	09.01.48	15.02.72	28.05.79	29.10.76	20.06.91	PR	
44.	R.Lalngurauva, (ST) B.A.	01.03.47	03.10.78	13.12.80	03.10.78	20.06.91	DR	
45.	Ramprasad Das, (SC) Matric	01.10.41	21.01.65	13.12.80	22.11.78	20.06.91	PR	
46.	Abhiram Das, (SC), Matric	01.02.40	25.07.64	10.09.81	20.02.79	20.06.91	PR	
47.	N.C. Das, Matric	31.12.42	29.05.62	01.06.79	29.10.76	20.06.92	PR	
48.	D.K. Majumdar, B.Sc.	21.01.51	27.01.77	28.05.79	27.01.77	17.09.92	DR	
49.	A.K. Dutta, B.Sc.	01.02.53	27.01.77	28.05.79	27.01.77	17.09.92	DR	
50.	N.L. Roy, B.A.	01.09.45	20.01.65	01.06.79	28.01.77	17.09.92	DR	
51.	P.K. Singha Choudhury, B.Sc.	01.02.51	20.01.77	01.06.79	28.01.77	17.09.92	DR	
52.	I. A. Halim, B.Sc.	07.03.57	27.01.77	01.06.79	27.01.77	17.09.92	DR	
53.	T. Kar, B.A.	01.11.53	29.01.77	01.01.80	29.01.77	17.09.92	DR	
54.	N.K. Nath, B.Sc.	17.01.51	19.09.77	01.01.80	19.09.77	17.09.92	DR	
55.	M.K. Bose, B.Sc.	17.10.51	19.07.77	24.11.80	19.07.77	17.09.92	DR	
56.	A.K. Choudhury, B.A.	01.06.53	19.09.77	13.12.80	19.09.77	17.09.92	DR	
57.	Kisholoy Das, B.A.	19.03.53	04.10.78	13.12.80	04.10.78	17.09.92	DR	
58.	Utpal Kr. Das, (ST), B.A.	01.12.52	30.10.78	13.12.80	30.10.78	17.09.92	DR	
59.	Dangshi Ram Boro (ST), Matric	01.02.44	25.01.65	13.12.80	25.11.78	17.09.92	PR	
60.	Swapn Kr. Roy, (SC), B.A.	16.03.51	10.11.80	01.10.81	10.11.80	17.09.92	DR	

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01	02	03	04	05	06	07	08	09
61.	Debendra Ch. Das, (SC), B.A.	01.07.45	25.01.65	01.08.82	29.11.78	17.09.92	PR	
62.	N.C. Patra, (SC), B.Sc.	01.01.54	16.03.79	13.03.86	30.06.81	17.09.92	DR	
63.	Md. Joynul Abedin, B.Sc.	28.01.53	02.01.79	02.04.81	02.01.79	12.03.93	DR	
64.	A. Bhattacharjee, B.Sc.	01.03.56	25.09.78	13.12.80	25.09.78	12.03.93	DR	
65.	A. Chatterjee, B.Sc.	01.04.56	04.10.78	13.12.80	04.10.78	12.03.93	DR	
66.	P. Sikdar, B.Sc.	24.04.51	12.10.78	13.12.80	12.10.78	12.03.93	DR	
67.	B.K. Banerjee, B.Sc.	26.02.56	30.09.78	13.12.80	30.09.78	12.03.93	DR	
68.	Sashidhar Pegu, (ST), B.A.	01.09.43	04.10.78	13.12.80	04.10.78	12.03.93	DR	
69.	S. Sharma, M.Sc.	31.03.52	25.11.78	13.12.80	25.11.78	07.06.93	DR	
70.	Jagadish Ch. Das-I B.A.	23.06.52	21.07.74	13.12.80	20.11.78	07.06.93	PR	
71.	Dhirendra Nath Bora, (ST), B.Sc.	01.05.48	04.10.78	13.12.80	04.10.78	07.06.93	DR	
72.	Biren Ch. Patir, (ST), B.A.	01.12.53	21.01.76	13.12.80	03.10.78	07.06.93	DR	
73.	K.C. Sarkar, Matric	05.07.46	25.01.65	13.12.80	27.11.78	07.06.93	PR	
74.	Alexander Lywait, (ST), B.Sc.	01.02.56	29.09.78	13.12.80	29.09.78	07.06.93	DR	
75.	Chandler Shullai, (ST) B.A.	19.12.49	13.11.78	01.04.81	13.11.78	07.06.93	DR	
76.	K.K. Taneja, M.Sc.	09.01.55	08.03.79	01.04.81	08.03.79	07.06.93	DR	
77.	R.C. Das, Matric	01.07.44	23.01.65	01.10.81	29.11.78	07.06.93	PR	
78.	Rupnath Pegu, (ST), B.A.	01.05.51	03.10.78	02.04.81	03.10.78	07.06.93	DR	
79.	Pranay Kanti Deb, B.Com.	26.01.54	12.06.74	13.12.80	24.11.78	07.06.93	PR	
80.	K.C. Gogoi, B.A.	01.03.45	23.01.65	02.04.81	30.11.78	07.06.93	PR	
81.	R.C. Dey, Matric	01.09.48	28.02.73	30.03.81	28.03.79	07.06.93	PR	
82.	D. Chattopadhyay, M.A.	01.03.55	25.04.79	10.09.81	25.04.79	07.06.93	DR	
83.	Kalpam Kachari, (ST), Matric	02.08.47	01.02.65	10.09.81	10.09.79	07.06.93	PR	
84.	Chalau Hauzel, (ST), B.A.	01.03.54	06.03.80	01.02.82	06.03.80	07.06.93	DR	
85.	Nani Gopal Sen, (SC), B.A.	28.08.48	28.10.70	01.10.81	26.10.80	07.06.93	PR	
86.	Alagri Swami, (SC), B.A.	31.08.47	30.03.81	13.03.86	30.03.81	07.06.93	DR	
87.	Arun Kr. Datta, B.A.	27.03.54	27.01.77	01.01.80	27.01.77	27.09.93	DR	
88.	R. Bhattacharjee, B.Sc.	27.01.53	22.01.77	01.01.80	22.01.77	27.09.93	DR	
89.	B.G. Mondal, B.Sc.	21.09.52	27.03.79	01.10.81	27.03.79	27.09.93	DR	
90.	Samindra Nath, B.A.	01.11.44	25.01.65	10.09.81	07.09.79	27.09.93	PR	
91.	Gopal Ch. Paul, Matric	01.04.46	23.01.65	10.09.81	19.09.79	27.09.93	PR	
92.	Samir Chakraborty, Matric.	12.02.48	04.04.65	19.09.81	10.09.79	27.09.93	PR	
93.	S. Deb, B.Sc.	15.05.54	07.03.80	01.10.81	07.03.80	27.09.93	DR	
94.	B. Deb, H.S.L.C.	15.11.52	23.10.70	01.10.81	25.10.80	27.09.93	PR	

56

01	02	03	04	05	06	07	08	09
95.	T.M. Hartlong, (ST) B.A.	01.03.56	22.11.79	01.12.82	22.11.79	27.09.93	DR	
96.	N.C. Singh Singjam, (SC) B.Sc.	01.09.51	07.04.82	29.11.86	07.04.82	27.09.93	DR	
97.	Tapan Kr. Sarkar, (SC), B.Sc.	19.04.56	02.08.82	27.04.87	02.08.82	27.09.93	DR	
98.	N.C. Katak, B.A.	08.04.56	28.10.80	01.10.81	28.10.80	29.06.94	DR	
99.	D. Paul, B.Com.	28.11.49	28.10.70	01.10.81	23.10.80	29.06.94	PR	
100.	G.C. Sarkar, Matric	25.11.44	28.10.70	01.10.81	29.10.80	29.06.94	PR	
101.	M.S. Tyagi, B.Sc.	20.07.57	13.04.81	01.12.82	13.04.81	29.06.94	DR	
102.	J. Acharjee, B.Sc.	01.01.55	30.03.81	01.12.82	30.03.81	29.06.94	DR	
103.	A.K. Chaturvedi, M.A.	25.12.54	08.04.81	01.12.82	08.04.81	29.06.94	DR	
104.	D.K. Verma, B.Sc.	16.06.55	10.06.81	01.12.82	10.06.81	29.06.94	DR	
105.	Susmal Das, B.Sc.	02.01.56	23.05.81	01.12.80	23.05.81	29.06.94	DR	
106.	K. Neog, B.Com.	11.06.55	30.03.81	01.12.82	30.03.81	29.06.94	DR	
107.	Jambu Lama, (ST) B.A.	12.04.55	09.06.81	05.03.86	09.06.81	29.06.94	DR	
108.	N.G. Barman, (ST), B.Sc.	27.12.54	30.03.81	13.03.86	30.03.81	29.06.94	DR	
109.	Bapukan Patir, (ST), B.A.	30.04.50	27.03.81	13.03.86	27.03.81	29.06.94	DR	
110.	Rajoo Sonowal, (ST), B.A.	01.04.56	30.03.81	19.03.86	30.03.81	29.06.94	DR	
111.	Gobinda Thabrah, (ST) B.A.	20.11.54	27.03.81	19.03.86	27.03.81	29.06.94	DR	
112.	T. Tuankhanthang, (ST), B.Sc.	01.03.55	13.04.81	07.06.86	13.04.81	29.06.94	DR	
113.	P.S. Das, (SC), B.Com.	24.02.57	06.02.82	27.04.87	16.09.83	29.06.94	DR	
114.	Aswini Kr. Das, (SC), B.Com.	01.03.59	05.07.82	13.05.87	05.07.82	29.06.94	DR	
115.	P.K. Reang, (ST), B.A.	05.09.51	30.03.81	07.06.86	30.03.81	05.06.95	DR	
116.	P. Debnath, B.Sc.	02.02.56	01.04.82	07.06.86	01.04.82	05.06.95	DR	
117.	B.K. Deb, -II B.Com.	05.06.56	19.01.82	29.11.86	19.01.82	05.06.95	DR	
118.	Jahar Dey, B.A. (H)	01.09.57	02.09.82	29.11.86	02.09.82	05.06.95	DR	
119.	D. Bhattacharjee, B.A.	25.03.54	07.11.75	01.12.82	06.11.82	05.06.95	PR	
120.	A. Chakraborty, B.Sc.	06.01.56	06.08.82	29.11.86	06.08.82	05.06.95	DR	
121.	J.L. Bhowmick, P.U.	26.12.53	18.02.76	01.12.82	16.11.82	05.06.95	PR	
122.	J.C. Das, - II (SC) B.Com.	01.09.54	19.01.82	13.05.87	19.01.82	05.06.95	DR	
123.	A. Dutta, B.Sc. (H)	30.04.58	16.03.82	27.04.87	16.03.82	08.12.95	DR	
124.	S.R. Dhar, B.A.	08.05.53	09.02.76	01.12.82	16.11.82	08.12.95	PR	
125.	D.R. Saha, B.Sc.	02.01.57	18.03.82	27.04.87	18.03.82	08.12.95	DR	
126.	R.K. Sarkar, M.Sc.	30.11.58	06.07.82	27.04.87	06.07.82	08.12.95	DR	
127.	Sukanta Das, B.Sc.	13.10.59	26.03.82	27.04.87	26.03.82	08.12.95	DR	
128.	Srijan Ganguly, B.Sc.	01.08.55	13.02.76	01.12.82	16.11.82	08.12.95	PR	

57

01	02	03	04	05	06	07	08	09
129.	Biren Saikia, (ST) B.Sc.	01.12.55	19.01.82	27.04.87	19.01.82	08.12.95	DR	
130.	Subhrangshu Deb, M.Sc.	01.03.57	01.04.82	27.04.87	01.04.82	08.12.95	DR	
131.	Smt. N.M. Phukan, M.Sc.	01.03.56	26.02.82	27.04.87	26.02.82	08.12.95	DR	
132.	Abhijit Ghosh, B.Sc.	03.11.52	21.02.76	01.12.82	16.11.82	08.12.95	PR	
133.	Manoj Kr. Brahma, (ST) M.Sc.	09.02.55	12.07.82	13.05.87	12.07.82	08.12.95	DR	
134.	P.R. Mullick, (SC) P.U.	01.02.47	01.04.72	01.12.82	16.11.82	08.12.95	PR	
135.	Gopal Ch. Das, (SC) BA(H), LLB	01.01.56	25.01.77	01.12.82	16.11.82	08.12.95	PR	
136.	A. Chakraborty, B.Sc.	10.07.58	28.01.82	27.04.87	28.01.82	21.03.96	DR	
137.	N.M. Baishya, B.A.	20.12.57	01.04.82	27.04.87	01.04.82	21.03.96	DR	
138.	R.K. Sharma, B.A.	01.03.60	26.02.82	29.04.87	26.02.82	29.09.96	DR	
139.	B. Bhattacharjee, B.A.	30.06.56	20.02.76	01.12.82	16.11.82	29.09.96	PR	
140.	A.K. Saikia, M.Sc.	01.01.59	22.01.82	29.04.87	22.01.82	29.09.96	DR	
141.	Dipak Bhattacharjee, B.Sc.	16.08.57	22.01.82	29.04.87	22.01.82	29.09.96	DR	
142.	Amar Kumar Singha, BA	04.11.57	20.01.82	13.05.87	20.01.82	29.09.96	DR	
143.	B.K. Baishya, (ST) B.Sc.	08.11.56	17.03.82	13.05.87	17.03.82	29.09.96	DR	
144.	Padmeshwar Pegu, (ST) B.Sc.	31.01.56	08.04.82	13.05.87	08.04.82	29.09.96	DR	
145.	Priya Ram Barua, P.U.	01.02.51	02.11.70	01.12.82	16.11.82	21.06.97	PR	
146.	Dinesh Mahanta, B.Sc.(H)	01.01.56	12.09.83	13.05.87	12.09.83	21.06.97	DR	
147.	P.S. Purkayastha, II, B.Sc.	01.12.56	24.03.82	13.05.87	24.03.82	21.06.97	DR	
148.	Ms. Purabi Dev Gupta B.A.	01.12.54	06.11.75	01.12.82	16.11.82	21.06.97	PR	
149.	Smt. R.M. Shabong, (ST), Matric	01.09.44	05.08.71	01.12.82	16.11.82	21.06.97	PR	
150.	Sachindra Nath Das, (SC), BA	01.12.55	06.05.77	01.12.82	23.09.81	21.06.97	PR	
151.	Pranab Kr. Sharma, B.Sc.	01.03.58	14.04.82	13.05.87	14.04.82	16.01.98	DR	
152.	Rathindra Bhattacharjee, B.Sc.	06.11.54	06.03.74	01.12.82	16.11.82	16.01.98	PR	
153.	Naba Kr. Barua (ST), B.Sc.	01.01.55	29.01.82	13.05.87	29.01.82	16.03.98	DR	
154.	Achinta Kr. Sonowal (ST), B.A.	01.11.54	05.02.82	13.05.87	05.02.82	16.03.98	DR	
155.	Tapan Kr. Kar, B.A.	01.11.49	05.06.74	01.12.82	16.11.82	20.06.98	PR	
156.	B.B. Saikia, (ST), B.Sc.	12.09.52	31.08.82	13.05.87	31.08.82	20.06.98	DR	
157.	Smt. Melicia Synnah, (ST) M.A.	30.03.50	04.01.82	13.05.87	04.01.82	20.06.98	DR	
158.	M.M. Neog, (ST) B.Com.	01.01.56	02.04.82	13.05.87	02.04.82	20.06.98	DR	
159.	D.N. Doley, (SC) B.Com.	30.07.53	20.02.82	13.05.87	20.02.82	20.06.98	DR	
160.	Shital Ch. Das, (SC) HSLC	02.09.51	12.03.74	01.12.82	16.11.82	20.06.98	PR	
161.	Biman Ch. Das, (SC) HSLC	21.08.47	15.03.74	01.12.82	16.11.82	20.06.98	PR	
162.	Gangadhar Das, (ST) BA	01.08.56	12.07.82	13.05.87	12.07.82	15.12.2000	DR	

458

458

01	02	03	04	05	06	07	08	09
163.	Ms. Sayada Jasmine Begum, BA	01.12.52	15.04.74	01.12.82	16.11.82	15.12.2000	PR	
164.	Debendra Moshahary, (ST) MA	20.09.58	05.03.82	13.05.87	05.03.82	15.12.2000	DR	
165.	James Dohling (ST), BA	18.03.56	02.03.82	13.05.87	02.03.82	15.12.2000	DR	
166.	K.N. Daimary, (ST), B.Sc.	01.01.58	12.07.82	13.05.87	12.07.82	15.12.2000	DR	
167.	L. Hauferram, (ST) PU	24.12.46	01.03.74	01.12.82	16.11.82	15.12.2000	PR	
168.	Jyotish Ch. Das, (SC) BA	01.12.52	14.11.77	01.12.82	16.11.82	15.12.2000	PR	
169.	Beli Ram Das, (SC) PU	12.02.53	23.06.77	01.08.83	18.07.83	15.12.2000	PR	
170.	Debojyoti Mishra, B.Com.	01.09.54	01.06.74	01.12.82	16.11.82	30.03.2001	PR	
171.	Dipak Roy Choudhury B.Sc.	21.07.57	01.07.82	13.05.87	01.07.82	30.03.2001	DR	
172.	Santanu Kumar Chalia, B.Sc.(H)	01.03.57	29.07.82	13.05.87	19.07.82	30.03.2001	DR	
173.	Faizuddin Fakir, B.Sc.	01.03.58	01.09.82	13.05.87	10.09.82	30.03.2001	DR	
174.	Haripada Debnath, B.Sc.	01.02.45	20.03.74	01.12.82	16.11.82	30.03.2001	PR	
175.	Kumud Ch. Deka, B.Sc.	18.01.58	05.07.82	13.05.87	05.07.82	30.03.2001	DR	
176.	Beda Prasad Jaishi, B.A.	22.03.56	03.04.82	13.05.87	03.04.82	30.03.2001	DR	
177.	Mukul Baruah, B.Sc.	01.02.58	11.08.82	13.05.87	11.08.82	30.03.2001	DR	
178.	Karendra Ch. Rabha, (ST) B.A.	01.11.49	22.01.77	01.12.82	26.11.82	30.03.2001	PR	

Attested
S. S. S.
A. S.

CT

22 FEB 2002
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI.

O.A. NO.446 of 2001

Sri Nani Gopal Sen

- Vs -

Union of India & Others

- and -

IN THE MATTER OF :

Written statement submitted by
the respondents.

The Respondents beg to submit the written statements as follows :-

1. That with regard to paras 1, 2, 3, 4.1, 4.2 of OA, the respondents beg to offer no comments.
2. That with regard to para 4.3 of the O.A., the respondents beg to state that the applicant's contention is not correct. Consequent to the Hon'ble CAT's Order dated 5.9.95, the draft seniority list was circulated to all concerned vide Office C.No.II(34)1/ET-1/96/28968 - 29010 (A) dated 13.7.98 and representation have been invited against the draft revised Seniority List of Inspector (now Superintendent) in terms of Hon'ble CAT's order dated 5.9.95 have since been issued on 13.7.98 after considering all representations received.
3. That with regard to paras 4.4, 4.5 & 4.6 of OA, the respondents beg to offer no comments.

Filed by

22/2/02
(A. DEB. JY)

ST. C. JY
C. A. T., Guwahati Bench

4. That with regard to para 4.7 of OA, the Respondents beg to state that this issue has been discussed at length the judgment dated 5.9.95 pronounced by the Hon'ble CAT, Guwahati in O.A. No.241/91. Hence, no further comment is necessary at this stage.

5. That with regard to para 4.8 of OA, the Respondents beg to state that the same has already been discussed at para 4.7.

6. That with regard to par 4.9 of the OA, the respondents beg to state that the inter-se seniority between Direct Recruits and Promotees has been determined according to the rotation of vacancies between Direct Recruits and Promotees. The petitioner has questioned the very principle of seniority laid down in the O.M. of 1986, whereas the Hon'ble CAT, Guwahati in their order dated 5.9.95 has directed to assign seniority in the light of the decision of the Cuttack Bench of CAT in O.A. Nos.62 - 71 of 1987. The Cuttack Bench had ordered to recast the seniority of Inspectors in the light of the principles contained in the O.M. dated 7.2.86. Accordingly, the respondents of O.A. No.241/91 disposed the then petitioner's application and other petitions of similarly placed officers by issue of the Revised Seniority List vide Office C.No.11(34)i/96/28968-2901(A) dated 13.7.98. Therefore, the petitioner should have no further ground to dispute the very order dated 5.9.95 of CAT, Guwahati. The application, therefore, deserves to be rejected with cost to department. The petition has questioned the very order of the CAT passed on 5.9.95 which was accepted by the applicant of O.A. NO.241/19, similarly placed officers and the Commissionerate.

Consequential action has also been taken by the Commissionerate.

7. That with regard to para 4.10 of the O.A., the respondents beg to state that Revised Seniority as issued vide Order dated 13.7.98 was based on the laid down principle in DOP & T's O.M. NO.35014/13/80-Estt. dated 7.2.86 and as per Hon'ble CAT's order dated 5.9.95. The revised seniority list was issued after considering all the representations received from the officers concerned. The Order dated 13.7.98 was also a speaking order giving reasons as to why different types of representations have been rejected or disposed of as the case may be.

8. That with regard to para 4.11 of O.A., the respondents beg to state that the same has already been stated in para 4.10 of the written statement.

9. That with regard to para 4.12 of O.A., the respondents beg to offer no comments.

10. That with regard to para 4.13 of O.A., the respondents beg to state that the said para is missing from the instant application.

11. That with regard to para 4.14 of O.A., the respondents beg to offer no comments.

VERIFICATION

I, Sri. A. Hussain., Assistant Commissioner, Excise, Guwahati, being authorized do hereby and declare that the statements made in this written statement are true to best of my knowledge, information and believe and I have no suppress any material fact.

And I sign this verification on this 21st..... day of February.....2002.

Ahmed Hassan
DECLARANT
Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

18 MARCH
 10:00 AM
 GUWAHATI BENCH

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH**

In the matter of :-

O.A. No. 446 of 2001

Shri Nani Gopal Sen

-vs-

Union of India & Ors.

And

In the matter of

Rejoinder submitted by the applicant in
 reply to the written statement
 submitted by the Respondents.

The applicant above named most humbly and respectfully begs
 to state as under :

1. That your applicant has gone through the written statements
 and has understood the contents thereof.
2. That your applicant categorically denies the statements made
 in paragraphs 2,4,5 & 6 of the written statement and further
 begs to state that the statement of the respondents made in
 paragraph 2 of the written statement is contrary to factual
 position. It is stated that the seniority of the applicant is
 sought to be altered/re-fixed by the impugned letter No.
 C.No. 11(34)5/E.T.1/92/24248-85 dated 3.5.2001 and the
 seniority altered with effect from 1.5.2001 as such the
 contention of the respondents that the draft seniority list
 was circulated to all concerned vide letter dated 13.7.1998
 is contrary to their own record in as much as a mere reading
 of the impugned letter dated 3.5.2001, it would be evident
 that objections were invited vide letter C.No.

*Filed by the applicant
 through advocate
 Sri G. R. Chakravarty
 on 18-3-2002*

11(34)5/ET.I/92/30835-66 dated 22.3.2001 and the applicant in fact submitted a detailed objection for sudden alteration/re-fixation of seniority vide representation dated 30.3.2001. It is submitted that seniority of the applicant which is settled 20 years back in the cadre of Inspector, which is also followed in the cadre of Superintendent Group B cannot be altered or disturbed at this belated stage.

It is categorically submitted that the applicant was not impleaded as party respondent in O.A. No. 241/1991 as such decision of O.A. 241/91 is not binding upon the applicant, that too in violation of O.M. dated 7.2.1986. It is submitted that the Hon'ble Tribunal in its judgment and order in O.A. No. 241/1991 never directed to alter or re-fix the seniority of the applicant after such a long period rather, the Hon'ble Tribunal in the order in O.A. 241/99 directed the respondents to consider the representation of the applicant.

It is stated that the respondents have suppressed the direction passed in similar cases i.e. in O.A. No. 101/95, 171/95 and in O.A. No. 147/95 where similar issues/disputes regarding seniority were involved and the Hon'ble tribunal after hearing the parties decided the matter on 22.1.1999 and directed the present respondents to examine the entire matter afresh in the light of the decision of the Apex Court referred in the judgment dated 22.1.1999.

It is relevant to mention here that the order dated 5.9.1995 has been considered for implementation long after the pronouncement of the judgment dated 22.1.1999 passed in O.A. No. 101/95, 171/95 and in O.A. 147/95 which would be evident from the impugned letter dated 3.5.2001 wherein it is stated that consequent to the Order dated 5.9.1995 in O.A.

No. 241/1991 and integrated seniority list of Superintendent was circulated to all concerned only on 22.3.2001, as such the action of the respondents appears to be arbitrary, unfair in as much as the direction contained in the judgment and order dated 22.1.1999 has never been considered and there is no mention in the impugned order dated 3.5.2001 or in the letter dated 22.3.2001 while inviting objection for finalizing the impugned seniority list as on 1.5.2001. Thereby it is quite clear that decision rendered by the Hon'ble Tribunal was in fact never placed before the board of Excise and Customs, as because it appears that in the impugned order dated 3.5.2001 that the approval for implementation of judgment dated 5.9.1995 was alleged to have been obtained way back on 17.1.1997. therefore it is quite clear that the later decision rendered by this Hon'ble Tribunal on 22.1.1999 perhaps not placed before the Board of Excise and Customs. It is stated that as per direction contained in the judgment and order dated 22.1.1999, if the case of those applicants and other similarly situated employees were considered in that event the decision of the respondents definitely would have gone in favour of the present applicant. Therefore, it appears that the decision of the respondents to alter/re fix the seniority is highly arbitrary and unfair and contrary to the direction passed on 22.1.1999 by this Hon'ble Tribunal.

It is submitted that the decision of the respondents to alter/re fix the seniority of the applicant at this belated stage is contrary to O.M. dated 7.2.1986 and the decision of this Hon'ble Tribunal.

A copy of the impugned order dated 3.5.2001 along with the impugned seniority list as on 1.5.2001 is ^{already} enclosed as Annexure-A.6 of the O.A.

2. That it is stated that the respondents have issued the impugned order re fixing the seniority on extraneous consideration without considering the later decision of the Hon'ble tribunal. It is relevant to mention here that a series of decision have been rendered by the different benches of the Hon'ble Tribunal on the similar issues of seniority in the cadre of Inspectors of the department of Customs & central Excise in different region which came in favour of the present applicant and the respondents are aware of all those decision of the Hon'ble Tribunal but even then a contrary decision is taken by the present respondents to alter/re fix the seniority of the present applicant.
3. That your applicant categorically denies the statement made in paragraph 7,8 and 10 of the written statement and further beg to state that the seniority has been re fixed/alterd by the respondents vide impugned order dated 3.5.2001 as on 1.5.2001 in total violation of O.M. dated 7.2.1986. It is categorically stated in the said O.M. dated 7.2.1986 that the past cases need not be reopened and the revised principle of seniority should take effect with effect from 1.3.1986 and the seniority already determined in accordance with the existing principles on the date of issue of O.M. i.e. 7.2.1986 would not be reopened. Therefore the said O.M. was prospectively applicable and therefore there is no question of applying the modified principles to the case of the present applicant, which was regulated, vide O.M. dated 22.12.1959 up to 7.2.1986.

Similar issues of seniority came up before Hon'ble Hyderabad Bench of Central Administrative Tribunal in the case of Srikantbabu & Ors. vs. Union of India and Another in O.A. 1323/1993 and the said case was decided on 13.2.1997, holding that the revision of seniority of Inspectors of Central Excise, unsettling the settled position over years and adversely affecting the career prospects of several Inspectors not sustainable in law. The present respondents are very much aware of the aforesaid decision but even then taken a contrary decision of revising seniority list vide impugned seniority list as on 1.5.2001 communicated vide letter dated 3.5.2001 is liable to be set aside and quashed.

It is further submitted that similar issues were also came up before this Hon'ble Tribunal through Original Application No. 2 of 1989 which was finally decided by this Hon'ble Tribunal and was pleased to dismiss the said Original Application on 11.12.2000. The applicants also relied on the following decisions in support of his contention.

- i. Judgment and Order dated 13.2.1997 in O.A. 1323/1993(Srikantbabu & Ors. Vs. U.O.I. & Another) decided by the C.A.T. Hyderabad Bench.
- ii. Judgment and Order dated 11.12.2000 in O.A. 2/1989(Sri S.C.Bhattacharjee & Ors. Vs. U.O.I. & Ors.) decided by the C.A.T. Guwahati Bench.
- iii. Judgment and Order dated 17.10.1996 in O.A. 1376/1995 (V. Anusua Vs. U.O.I. & Ors.) decided by the C.A.T. Madras Bench.
- iv. Judgment and Order dated 22.7.1996 in O.A. 1412/1994 (M. R Das & P.K.Roy Chowdhury Vs. U.O.I. & Ors.) decided by the C.A.T. Calcutta Bench.
- v. AIR (1996) SC 688(U.O.I. & Another Vs. G.K.Baidyanathan & Ors.)

vi. (1998) 4 SCC 65 (Abraham Jacob & Ors. Vs. U.O.I & Ors.)

Copy of the judgment and order dated 13.2.1997,
11.12.2000, 17.10.1996, 22.7.1996, ^{as annexure - A Series.} and the other judgments
referred to above urged to produce before the Hon'ble
Tribunal at the time of hearing.

In view of the above decisions of the Hon'ble Tribunals
and Hon'ble Supreme court the application deserves to be
allowed with costs.

VERIFICATION

I, Nani Gopal Sen, S/o Makhal Lal Sen aged about 58 years, working as Superintendent, Group B, Customs Division, Agartala, applicant in the O.A. no. 446/2001 do hereby verify that the statements made in Paragraph 1 to 4 in this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 18th day of March 2002.

Nani Gopal Sen

were promoted as Director (Geology) for the first time by the impugned order, dated 21-5-1992. They are aggrieved by their supersession in the matter of promotion to the post of Director (Geology) and also wrong assignment of seniority in the seniority list of Geologists (Senior) issued on 1-10-1990. It is contended by the applicants that their supersession and wrong assignment of seniority was primarily due to the fact that the posts falling vacant were not filled up in terms of the judgment in the case of *Virpal Singh Chauhan and others v. Union of India and others* [1987 (4) ATC 685] and the directions given by the Hon'ble Supreme Court in other cases from time to time. It is contended that the respondents by not taking into consideration the judgment in *Virpal Singh Chauhan (supra)* and the decisions of the Supreme Court in this regard have not acted in a just and fair manner.

The contention of the respondents is that, the final seniority list was issued on 1-10-1990 and the applicants at that point of time had not raised any objection in regard to assignment of seniority to them. The present OA having been filed on 13-4-1993 is barred by limitation. It is also stated that the Private respondents were selected and promoted against the vacancies for the year 1990-91 reserved for Scheduled Caste candidates for which the applicants were not eligible. It is also stated that the averments of the applicants that their claim for promotion had been ignored is, therefore, not correct and the applicants have not been superseded.

Held: The grievance of the applicants is regarding denial of promotion with effect from 9-5-1991. The representations made by the applicants had evoked no response. It is noteworthy that in an identical case *U.K. Bassi v. Union of India and others*, the gradation list, dated 1-10-1990 was under challenge in O.A. No. 515/CH of 1996 and the same was disposed of by the Chandigarh Bench of the Tribunal by an order, dated 22-10-1996. Taking into consideration the facts and circumstances of the cases on hand we condone the delay, if any, in filing these applications in the interest of justice.

The controversies raised in these OAs have been settled by the Constitution Bench of the Hon'ble Supreme Court in *R.K. Sabharwal v. State of Punjab* [JT 1995 (2) SC 351]. The question of reservation in the cases on hand came up for consideration in *Union of India v. Virpal Singh Chauhan* [(1995) 6 SCC 684] and *Akhil Bharatiya Soshit Karmachari Sangh through its Secretary and another v. Union of India through its Secretary, Ministry of Railways and others* [1996 (5) SLR 687]. In view of these decisions, we do not propose to issue any specific directions in these cases regarding the placement of the applicants.

The placement of the officials including the applicants will be made on the basis of the aforesaid decisions of the Hon'ble Supreme Court after issuing notices and hearing those whose placement in the seniority list may be liable to be varied. This will be done within a period of 4 months from the date of receipt of a copy of this order.

431. Swamy's CL Digest 1997/1
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Srikanth Babu and others v. Union of India and another

O.A. No. 1323 of 1993 and connected OAs Date of Judgment 13-2-1997

Revising the seniority of Inspectors of Central Excise unsettling settled position over years and adversely affecting the career prospects of several Inspectors, not sustainable

Held: All these matters involve common questions and are therefore being disposed of by this common order. The Central point raised in these cases is relating to correct fixation of *inter se* seniority between direct recruits and promotees under O.Ms., dated 22-12-1959 and 7-2-1986 as the impugned seniority list has been prepared purportedly in accordance with the decisions of the Tribunal in O.A. No. 156 of 1986 and O.A. No. 1019 of 1992. In the process the official respondents have revised the seniority of Inspectors from 1972 onwards with which large number of Inspectors are affected and that had led to filing the various review applications and the present proceedings. We do not propose to deal with individual grievances and would only discuss the correct principles in assigning seniority taking into account the two OAs and the two decisions mentioned above. Apart from the controversy between direct recruits and promotees an incidental question involved is as regards the length of service to be counted for seniority in respect of *ad hoc* promotees. We, therefore, propose to examine the questions raised in these proceedings comprehensively which will not be confined to parties in the instant case but keeping the rights of all the Inspectors concerned in the various review applications as well.

The OM, dated 22-11-1959 provided that relative seniority of direct recruits and promotees shall be determined according to the rotation of vacancies between them which shall be based on the quota of vacancies reserved for each given category in the Recruitment Rules. Thus by application of these provisions there could be cases of direct recruits shown as senior to promoted persons with longer years of service after promotion and vice versa. These principles were modified by the OM dated 7-2-1986. The revised principles did away with the system of assigning an earlier year of seniority to persons who were appointed in later years. It is provided in Para. 7 of the OM that the OM shall take effect from 1-3-1986 and seniority already determined in accordance with the existing principles on the date of issue of the OM, i.e., 7-2-1986 will not be reopened. Clearly therefore the said OM was prospectively applicable.

No question, therefore, of applying the modified principles to those whose seniority was regulated by OM, dated 22-11-1959 up to 7-2-1986 could arise. The official respondents must be held to have acted in contravention of rules by revising the seniority of those officials who were governed by OM, dated 22-12-1959 which they have done while issuing the impugned revised seniority list, dated 30-4-1993 for reopening the seniority from 1972 and determining the same in accordance with the modified principles contained in OM, dated 7-2-1986 applying it retrospectively and unsettling the settled seniority prevailing from 1972 up to 6-2-1986.

The impugned revised seniority list of Inspectors of Central Excise of Hyderabad, Guntur and Visakapatnam Collectorates as on 1-1-1992 issued by the Collectorate of Customs and Central Excise, Hyderabad vide Order C. No. II/34/93-Estt., dated 30-4-1993 is hereby quashed and set aside. The official respondents may take such consequential steps as may be called for in accordance with the law.

432. Swamy's CL Digest 1997/1
CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Rajendra Prasad v. Union of India and another

O.A. No. 227 of 1995 Date of Judgment 20-2-1997

When a post is filled up by considering staff of different seniority units, the total length of continuous service in the same or equivalent grade held by them shall be the determining factor for assigning *inter se* seniority

Held: This application has been filed aggrieved by the non-empanelment of the applicant for promotion to Group 'C' post. The case in brief is that, there were 18 vacancies of Junior Clerk against the promotion quota from Group 'D'. Out of 18 vacancies, 3 were reserved for SC candidates. 3 SC candidates who were allegedly senior to the applicant in the grade of Rs. 800-1,150 were selected and empanelled and the applicant was left out.

Since employees belonging to different grades have been empanelled on the basis of suitability, total service with reference to the entry in the grade common to all of them should have been ascertained by drawing up a common seniority list for all the candidates. In other words, Rs. 750-940 being the lowest grade which can be said to be common grade for purposes of comparing their total length of service, the panel should have been drawn up considering the seniority in the integrated/common seniority list. If this had been done, the applicant whose date of engagement is shown as 22-11-1984 (his date of promotion to the grade of Rs. 800-1,150 being 1-3-1993) would have greater length of service compared to the last empanelled SC candidate Dilip Kumar Parasram George, whose date of engagement is shown as 14-6-1986 (his date of promotion to the grade of Rs. 800-1,150 being shown as 15-10-1990). Viewed from this point of view of common denominator (date of engagement in the initial grade of Rs. 750-940), the applicant would have been empanelled by virtue of his higher seniority in the integrated or common seniority list *vis-a-vis* the empanelled SC candidate.

As no common or integrated seniority list of all the candidates taking the examination with reference to their total length of service from the date of engagement in the initial grade of Rs. 750-940 was drawn up, we hold that the panel is vitiated in terms of Para. 320 of the Indian Railway Establishment Manual.

This Tribunal had also an occasion to decide a similar case — *N.K. Pabra and others v. Union of India and others* O.A. No. 720 of 1994 decided on 26-11-1996. That case involved promotion of Group 'B' from different streams in Group 'C'. The applicants of that case belonging to grade of Rs. 2,375-3,500 had sought higher seniority than those in the grade of Rs. 2,000-3,200 but the respondents had regulated the seniority on the basis of total length of service from the date of entry into the common denominator of Rs. 2,000-3,200 grade, whether those in that grade had been promoted to the next higher grade or not. The Tribunal had upheld the action of the respondents and dismissed that application. In the instant case, however, the respondents have failed to follow the correct procedure.

In the instant case, there were six candidates with greater length of service in the grade of Rs. 750-940 than the last empanelled person. They were not empanelled even though they were found suitable. These six persons who were appointed to the entry grade of Rs. 750-940 between 1976 and 1986 were still stagnating in that grade, whereas the last empanelled person who belonged to a different stream and was appointed to the entry grade in 1987, was treated senior to these six persons simply because he was promoted to the next higher grade of Rs. 800-1,150 in his stream in the year 1993.

In the conspects of facts and circumstances of the case, the panel prepared by the authorities liable to be struck down.

433. Swamy's CL Digest 1997/1
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Shiv Dayal v. Secretary (Revenue), Ministry of Finance and others

O.A. No. 832 of 1993 Date of Judgment 25-2-1997

In a selection process a junior who has a better service record can supersede the senior and when the senior is promoted later he cannot claim restoration of seniority

Facts: The applicant is aggrieved that the respondents have rejected his prayer for restoration of his due seniority with all consequential benefits, with effect from 13-1-1989 when he was superseded by respondent No. 3 and subsequently by three other juniors to him after his promotion on 31-10-1989. The respondents in their reply have given the gradings of the persons who were considered by the DPC held on 4-1-1989 and 1-3-1989. The original ACR records of the applicant as well as the minutes of the DPC held on 4-1-1989 and 1-3-1989, have been submitted by the respondents. It shows that Shri Bijender Singh had been given the grading of "very good" whereas the applicant only got 'good' in the DPC held on 4-1-1989. Being a selection post, Shri Bijender Singh and Shri Phool Singh (SC) were recommended and selected. In the next DPC held on 1-3-1989, the respondents have stated that one of the vacancies was a reserved post for Stenographers and the other was unreserved. Against this post Mrs. Motia Kapoor was approved against the

*Amisec
for
Advocate*

10
Amix A
(Series)
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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 2 of 1989.

Date of Order : This the 11th Day of December, 2000.

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

The Hon'ble Mr M.P. Singh, Administrative Member.

Shri Subash Chandra Bhattacharjee & Ors.
Auditor,
Office of the Accountant General (Audit)
Assam, Meghalaya, Arunachal Pradesh,
Mizoram & Shillong.

... Applicants.

By Advocate Shri B.K.Sharma.

- Versus -

1. Union of India

2. Comptroller & Auditor General of India,
New Delhi.

3. Accountant General (Audit), Assam, Meghalaya etc.
Shillong-793001.

4. Accountant General (A&E), Assam,
Shillong.

5. Accountant General (A&E),
Meghalaya, Arunachal Pradesh etc.
Shillong.

... Respondents.

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

ORDER

CHOWDHURY J.(V.C)

The controversy raised in this application pertaining to inter-se-seniority between the promotees vis-a-vis direct recruits. Twenty Auditors working in the office of the Accountant General (Audit) are the applicants challenging the gradation list published on 7.8.84 as on 1.3.84. Since the cause of action and the reliefs sought for are of similar in nature leave was granted for joining the applicants

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Amix A
Shri A.Deb Roy
Advocate

in a singular application. The recruitment in the Accountant/Auditor's cadre were made from two different streams, (i) by departmental promotion from lower division Clerks/typists and (ii) by direct recruitment. Prior to 1982 the posts were filled by persons from the two streams in proportion of 1:4 under the 20 point roster. The applicant Nos. 1,2,3,4 and 5 were promoted to the post of Auditor in the year 1979 and the remaining applicants were promoted in 1980-81. All of them have passed the departmental confirmatory examination. No direct recruits were appointed in the year 1979-81 inspite of existence of vacancies but promotions were given effect to against the anticipated vacancies during the period 1979-82. A new set of procedure was introduced in the year 1982 in which graduate clerks/typists who completed three years of service were made eligible to appear in the departmental confirmation examination and on passing the said examination they were promoted to the posts of Auditor treating them at par with direct recruits. Gradation list was published on 7.8.1984 which is impugned in this application. No gradation list was published from 1977-83. In that list the direct recruits and graduate promotees in the cadre of Auditors have been placed above the departmental promotees although such promotees were appointed earlier. The grievance of the applicants was that since they were appointed prior to direct recruits and rendered service in the department and persons who were appointed later in point of time could not have been allowed to march over the applicants who were senior in service. The applicants represented their case. Failing to get relief departmentally they moved this Tribunal by this application assailing the impugned seniority list dated 7.8.84 as arbitrary and discriminatory.

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83

2. The official Respondents contested the claim of the applicants and submitted written statements. The Respondents pleaded that the application was barred by limitation. According to the Respondents the recruitment in the cadre was made from three sources; 75% by direct recruitment, 20% by promotion of clerks with five years regular service who had passed the speed type test and 5% by promotion of eligible clerks who have completed regular service and have passed the limited departmental competitive examination.

3. The inter-se-seniority of the direct recruits and the promotees is regulated by a roster system for every 20 vacancies, out of which 15 are to be filled by direct recruitment, 4 by promotion of clerk/typists and one by promotion of clerk/typist who has passed the limited departmental competitive examination. A 20 point roster is maintained, in conformity with the instructions of the Comptroller and Auditor General of India, wherein the first, sixth, eleventh and sixteenth points are assigned to promotees from seniority channel and the twentieth point is assigned to a promotee from the limited departmental competitive examination channel and the remaining points are for direct recruits. The roster point earmarked for the promotees through limited departmental competitive examination was raised from twentieth point to the second point with effect from the first of January 1981 vide departmental circular. It was explained therein that in a particular year there may be a large number of vacancies but direct recruits may not be available and the clerk/typist who may be due for promotion are promoted against particular points of the twenty point roster subsequently when direct recruits became available for appointment, they are filled against the vacant slot even though a direct recruit may

join later than the promotee. A direct recruit may still rank senior, having regard to his higher point in the roster.

4. The inter-se-seniority of the appointees were determined accordingly, asserted the respondents. During 1979-82 the vacancies against the direct recruits could not be filled and the applicants were promoted against the roster points allocated for the promotees. The respondents maintained that the Staff Selection Commission was administering the task of direct recruitment from 1979. The first Staff Selection Commission Examination was held in August 1979. On completion of the Selection process the respondents made the first appointment on 4.12.1980. The direct recruit recruited in 1980-81 were accommodated into their channel of the Direct recruits in the roster. The circular dated 18.12.1986 was prospective in operation and the same was given effect to with effect from 1.1.1987 asseverated the respondents. The Tribunal by its judgment and order dated 17.1.1995 dismissed the application considering the merit of the application as well as on the ground of limitation. At the instance of the applicants the judgment and order of the Tribunal in O.A. was subsequently set aside on review. Thus the matter came up for fresh consideration.

5. Mr B.K.Sharma, learned senior counsel appearing on behalf of the applicants assailing the inter-se-seniority submitted that the direct recruits were appointed later in point of time. As per law and equity the seniority of the applicants were to be counted from the date of entry in the service. It was the respondents who failed in their duties in making direct recruitment as per roster point during 1979-1982. Conferring the benefit on the direct recruits to march over the applicants who were appointed later in point of time has patently unjust, unfair, contrary to the rules and violative of Articles 14 and 16 of the Constitution of India.

It was contended that the persons who were junior could not be allowed to supersede the seniors taking aid of the roster point. Mr B.K.Sharma in support of his contention referred to the decisions reported in AIR 1983 SC 769, (1990) 2 SCC 715, AIR 1987 SC 716, (1991) Supp (1) SCC 335, 1999(9) SCC 916 and (2000) 7 SCC 561. Mr A.Deb Roy, learned Sr.C.G.S.C countering the submission of Mr Sharma submitted that the promotees were promoted against the specific promotion quota of roster point and inter-se-seniority was fixed in the cadre of Auditors. The promotion when given effect to as per the prevailing practice of promotion quota their seniority was rightly fixed as per the roster. Mr Deb Roy referring to the Circular No. 1336-N.2/45-86 dated 12.12.1986 submitted that the said circular was issued to clear the doubts raised in the administration on seniority of direct recruits vis-a-vis promotees as the 20 point Promotion Roster are to be closed at the end of the Recruitment year. The respondents issued clarifications to that effect indicating that principle of rotation of quotas was to be continued and followed for determining the inter-se-seniority of direct recruits and promotees according to roster point. The said circular also indicated that no vacant slots meant for direct recruits could be carried forward for being filled in later years. If adequate number of direct recruits did not become available in any particular year, rotation of quotas for purpose of determining the seniority would take place only to the extent of available direct recruits and the promotees. If direct recruits are not available, the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority by rotation. Mr Deb Roy

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submitted that clarifications made on 12.12.86 was prospective in operation and past cases considered earlier was not to be reopened. Mr Sharma submitted that the seniority clarification would not stand on the way of the Tribunal to determine the inter-se-seniority as per law.

6. We have given our anxious consideration on this matter. We have also taken note of the fact that the applicants were appointed against the quota of promotees. The appointment letters issued to applicant Nos. 1, 2, 5, 6 and 13 also indicate that their inter-se-seniority in Auditors cadre was not to be given effect according to their date of promotion. On the other hand, the very orders of appointments indicated that their seniority were to be assigned in the cadre of Auditors in accordance with the roster points against which they were promoted. The seniority list was prepared as far back in 1984 assigning seniority as per the roster. In our considered opinion it cannot be said to be arbitrary. We have taken note of the decisions of the Tribunal as well as that of the Apex Court. In several judgments of the Supreme Court it was held that merely because the State Government could not make direct recruitment, it cannot be said that quota rule has collapsed. As and when the direct recruitment has been made, the direct recruits were entitled to the placement of their seniority into the vacancies reserved for them as per the ratio and the seniority was to be determined in that fashion within the respective quota. The policy is/was introduced to reach at a fair and just solution, known to the service jurisprudence. It is a principle of legal policy that law should be certain and predictable. It is also a principle of legal policy that except in relation to procedural matters,

changes in the rule or policy should not take effect retrospectively. Considering all the aspects of the matter and for all the reasons set out above, we are not inclined to stress long arm, after the long distance of time, to intervene in the matter. We also do not find any illegality or arbitrariness in the fixation of inter-se-seniority of the applicants vis-a-vis the Respondents requiring judicial review in the facts situations. The application is accordingly dismissed.

There shall however, be no order as to costs.

Sd/ VICE CHAIRMAN
Sd/MEMBER (Adm)

from 10-2-1995 on which date the Hon'ble Apex Court also delivered judgment in *R.K. Sabharwal's case* [1995 (1) SC SLJ 330]. It is to be noted that while the said *R.K. Sabharwal's case* is about the question of reservation to the post and vacancies, the *Virpal Singh Chauhan's case* (*supra*) was in respect of seniority of unreserved candidates *vis-a-vis* the reserved category candidates. In any event, the law laid down in these two cases is settled about such employees regarding reservation and also grant of seniority for the purpose of promotion and takes effect from 10-2-1995.

We shall now, therefore, see that what was the legal position before that date particularly on 17-1-1994 when the impugned order was passed. We note that in *Kameshwar Sharma's case* [1990 (12) ATC 26], the issue regarding seniority of SC and ST employees who got accelerated promotion under reservation was adjudicated and the judgment was delivered on 9-8-1989. In that case the Patna Bench of this Tribunal had decided that even though the SC/ST category employees got accelerated promotion by virtue of reservation, that would not give them seniority over their erstwhile seniors in the feeder post. In other words, even if SC/ST candidate is promoted earlier by virtue of rule of reservation roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted SC/ST candidate. The Hon'ble Apex Court had upheld that judgment in *Virpal Singh Chauhan's case*. We note that the impugned action taken by the respondents is in tune with the interpretation of law made by the Hyderabad Bench of this Tribunal in *Kameshwar Sharma's case* (*supra*). We are, therefore, of the view that the impugned action cannot be faulted. For the reasons given above, we do not find any merit in this application. It is, therefore, dismissed.

375. Swamy's CL Digest 1996/2

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

B.S. Saxena v. Union of India and another

O.A. No. 1086 of 1989 Date of Judgment 12-7-1996

Ad hoc service does not count for purpose of seniority when such promotion is not on the basis of the procedure prescribed

Facts: The applicant prays for restoring his seniority after counting his *ad hoc* appointment as Income Tax Officer, Group 'A' with effect from 30-11-1976 and challenges Rule 5 of the Income Tax Officers', Grade 'A' (Junior Scale - Special Departmental Recruitment) Rules, 1983. The respondents contend that as the applicant was appointed purely on *ad hoc* basis, no right for inclusion of the period of *ad hoc* promotion for counting its seniority. The respondents cited *V.K. Naidu v. Union of India and others* reported in [Full Bench Judgments, CAT 1989-91, Page 168].

Held: We have heard the learned Counsel for the parties and perused the record. We will first address ourselves to the challenge to the legality of Rule 5 of the Income Tax Officers Group 'A' Rules, 1983. The seniority rules of the I.T.Os. were challenged before the Hon'ble Supreme Court in Writ Petition No. 4146 of 1978 and Writ Petition Nos. 546-47 of 1983. The Supreme Court has upheld the seniority rules by its judgment, dated 16-3-1990, dismissing the writ petitions. In view of the ratio of the decision of the Supreme Court, we find no merit in the contention of the learned Counsel for the applicant that Rule 5 is violative of the principles of Articles 14 and 16 of the Constitution.

In view of the foregoing conclusion, the next question that falls for our consideration is, whether the applicant is entitled to the benefit of period of 3 years 1 month and 21 days put in by him as I.T.O. (Gr. 'A') on *ad hoc* basis for determining his seniority. This question came up for consideration before the Constitution Bench, in *Direct Recruit Class II Engineering Officers' Association and others v. State of Maharashtra and others*, and the Hon'ble Supreme Court held:

"Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation. The corollary of the above rule is that, where the initial appointment is only *ad hoc* and not according to rules and made as a stopgap arrangement, the officiation in such post cannot be taken into account for considering the seniority".

In view of the above principle of law, we now proceed to examine whether the promotion of the applicant as I.T.O. on *ad hoc* basis was in accordance with rules or not. We have carefully perused the averments made in the application and we find that no mention has been made as to whether the applicant was given promotion on *ad hoc* basis as Income Tax Officer, Group 'A' (Junior Scale) on the recommendation of the duly constituted Departmental Promotion Committee or not. Against this, the respondents have by specific averments stated that promotions were made purely on *ad hoc* basis.

In view of the decision of Hon'ble Supreme Court and the Full Bench of the Administrative Tribunal, we find and hold that the applicant is not entitled to the benefit of the period of service he has rendered as Income Tax Officer Group 'A' on *ad hoc* basis for the purpose of determining his seniority with effect from 30-11-1976. Therefore, the applicant is not entitled to the relief as prayed for and accordingly this application is dismissed.

376. Swamy's CL Digest 1996/2

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

*Placed for
Senior
Adviser*

22

Mukut Ranjan Das and Prodyut Kumar Roy Chowdhury v.
Union of India and others

O.A. Nos. 1412 and 1413 of 1994 Date of Judgment 22-7-1996

As decided by the Apex Court, an employee cannot be permitted to rake up an old issue after remaining idle for several years, since it will unsettle many settled matters over many years

Facts: A gradation/seniority list of Inspectors, Central Excise was published under the signature of the Collector of Central Excise, Calcutta on 15-4-1991 and recast on 21-5-1993. These were based on the date of confirmation and not that of initial appointment. The seniority position of the applicant in O.A. No. 1412 of 1994 in the said list was 186 and that of the respondent No. 6 therein was 131 and the seniority position of the applicant in O.A. No. 1413 of 1994 in the said list was 185 and that of the R-6 in that application was 105. Both the applicants and the two private respondents are direct recruit Inspectors of Central Excise. The applicants were confirmed in 1981 whereas the private respondents over whom they claimed seniority were confirmed in 1979. The applicants have averred that the publication of the earlier gradation lists was not known to them since these were not circulated amongst the purported lists of Inspectors of Central Excise dated 15-4-1991 and 21-5-1993, office circular, dated 4-11-1992, issued by the Ministry of Personnel, PG and Pension and Office Memo, dated 14-11-1993 issued by the Assistant Collector of Central Excise.

Held: The applicants now challenged the said circular by filing two cases in 1994 on the ground that the applicants did not know the publication of the gradation/ seniority list issued by the respondents. We note that the applicants are responsible officers under the Central Government holding the post of Inspector of Central Excise. Considering the rank and status of the applicants, it cannot be believed that the applicants were totally in the dark like ordinary casual labour about their seniority and also dates of confirmation. It cannot also be imagined that the applicants did not know the law or the rule prevailing at the relevant time when they were confirmed in the service which is laid down in the 1959 circular. We have already discussed that as per the said circular, the seniority of the applicants was ordinarily fixed the moment they are confirmed and this happened in 1981. If they had any grievance in 1981, the applicants should have approached the appropriate judicial forum at the relevant time but that they did not do so. By then, so much water has flown through Ganga and the seniority of many persons in the Department in which the applicant's work and also in other Government Departments was fixed following the said circular. The applicants cannot now be permitted to come before us to rake up an old issue when they have been remaining idle for so many years. Even after the pronouncement of the judgment in *Direct Recruit Class II Engineering Officers' Association* case [JT 1990 (2) SC 264] and the subsequent notification of the Government of India. As held by the Hon'ble Apex Court

in *Ratan Chandra Samanta's case* [1993 IJR 251], delay deprives a person of the remedy available in law. On the basis of the said law laid down by the Hon'ble Apex Court and in view of Section 21 of the Administrative Tribunals Act, 1985, we have no hesitation to hold that the prayer of the applicants is hopelessly barred by limitation and hence, it cannot be allowed. We would also like to observe that if the prayer of the applicants now, even assuming that there is merit in it, is allowed, it will unsettle many settled matters over so many long years which cannot be permitted to happen in the administration. After all in trying to do justice to the applicants, we cannot do injustice to thousands of other employees.

The Counsel for the respondent argued that the applicants were totally unaware about the seniority position in the gradation list since those were not circulated. The applicants have not disclosed how they have come to know about their seniority position since there is no averment in the application to that effect. Therefore, this contention is not acceptable.

In view of our discussions made above and relying on the decision of the Apex Court in *S.B. Durga v. State of Himachal Pradesh and others* [(1992) 4 SCC 455] we hold that the seniority fixed by the respondents cannot be interfered with at such a distant date by us.

377. Swamy's CL Digest 1996/2

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

Nand Kishore Soni v. Union of India and others

O.A. No. 410 of 1992 Date of Judgment 24-7-1996

Though in the select list one is senior, still if one joins after a reasonable time, the delay which is attributable to candidate, the seniority will be fixed with reference to actual date of joining and not as per select list

Facts: The applicant joined the office of the Deputy Controller of Stores on 1-2-1989. In the provisional seniority list (meant for Head Clerks and Senior Clerks of the Department of Stores, Jodhpur) circulated on 24-8-1990, the name of the applicant is at Sl. No. 48 vis-a-vis Sl. No. 20 for respondent No. 5. The case of the applicant is that, in the select list issued by the Railway Recruitment Board in pursuance of the selections made for the posts of Senior Clerks/Clerks Grade I, the name of the applicant figures at Sl. No. 133, whereas Shri Akthar Ali (R-5) does not figure at all and, therefore, it does not stand to reasons as to how, R-5 has been ranked senior to the applicant. He has, therefore, prayed for assignment of proper seniority.

Held: The short question for consideration is, which Rules would apply for determination of seniority in the present case. The applicant has sought to justify the claim relying upon Rules 303 (b) and (306).

*Original
filed
in
the
court*

89

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19

respect of their grade viz., Grade II or III. Further Grade IV is nothing but 10% of Grade III who are actually seniors in the Grade III and only those 10% of people from Grade III were being permitted to perform the supervisory nature of duties. Further under the letter, dated 18-3-1992 clarification is given as to who can perform supervisory duties in the following terms:

"III Supervisory Duties: Officials in Grade IV in the cadres of TOA (General), TOA (Phones), TOA (Telegraph), TOA (Telegraph General) will perform supervisory duties without only extra remuneration or allowance. In cases of non-availability of Grade IV officials the supervisory duties will be performed by the seniormost Grade III official in the station without any extra remuneration or allowance. In case the seniormost official in the Grade III in the station declines, the next below official in the station will perform supervisory duties."

The 9-9-1982 letter under which TOA Grade I to Grade IV scheme was extended to the Metropolitan areas is more or less on the same lines as found in the letter of 18-3-1992. Furthermore it was submitted in the reply as follows:

"9-9-1992 order is meant for Telecom Districts and Telecom Circle offices whereas 18-3-1992 order is meant for secondary switching areas (i.e., other than Metro Districts and Circle offices). The supervisory duties clarification was given by the Directorate based on the 18-3-1992 order which is identical to the 9-9-1992 order. There is no difference in the text of the order."

Therefore, it cannot be said that the said scheme or arrangement by which persons are being allowed to perform supervisory duties offends Articles 14 and 16 of the Constitution.

421. Swamy's CL Digest 1997/1

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

V. Anusuya v. Union of India and others

O.A. No. 1376 of 1995 Date of Judgment 17-10-1996

Where the principles of seniority enunciated earlier were altered by the Government subsequently at a later date, the new principles would be applied only prospectively and the seniority decided earlier would not be disturbed

Held: After hearing both sides, we note that the only issue to be decided is the applicability of the Department of Personnel OM of 7-2-1986 and how far the earlier OM of 22-11-1959 could hold the field. This specific issue has been gone into by their Lordships of the Supreme Court in Civil Appeal Nos. 257 of 1988 and 4004-07 of 1987 decided on 8-5-1996 in *Gaya Bakshi Yadav v. Union of India and others* [1995 (4) SLR 47]. In this order passed by the three Judge Bench reference to the earlier decision by a five Judge Bench in

Mervan Continho and others v. Collector of Customs, Bombay and others [1963 SCR 600] has been made. It was observed:

"In accordance with the 1959 circular, the Collectorate of Bombay Custom House under orders of Central Board of Revenue prepared a seniority list in the year 1963. Certain promotee Appraisers of the Customs Department of the Government of India challenged the seniority list of 1963 by means of a petition under Article 32 of the Constitution before this Court contending that the rotational system had resulted in discriminatory treatment against them with the consequence that promotees of much longer service in the cadre of Appraisers were put in the seniority list below direct recruits with much shorter service, which offended the Equality Rule with respect to opportunity guaranteed under Article 16 (1) of the Constitution. The dispute focussed and resolved can be seen in *Mervan Continho's case (supra)* a decision by a five Judge Bench. The contention of Union of India in response was that in a service where recruitment is partly by promotion and partly by direct recruitment, the system of fixing seniority by rotation has been adopted and that this pattern was being followed in a number of services under the Union. It was also urged that there is nothing discriminatory in such a system and no denial of equality of opportunity by following the rotational system for determining seniority in such circumstances. This Court in *Mervan Continho's case (supra)* agreed with the Union of India and the theme of the 1959 circular. This Court held that where recruitment to a cadre is from two sources, namely, direct recruits and promotees and rotational system is in force, seniority is to be fixed as provided in the explanation by alternatively fixing a promotee and direct recruit in the seniority list. By the adoption of the rotational system this Court did not see any violation of the principles of equality of opportunity enshrined in Article 16 (1) of the Constitution. The argument that the system resulted in anomalies was rejected and it was viewed that such situation had developed since direct recruitments had not kept pace with the quota fixed and had they kept pace, there would have been no anomalies in fixing the seniority."

This Court then handling the question observed as follows:

"The question, therefore, narrows down to this: Can it be said that there is denial of equality of opportunity which arises out of the fortuitous circumstances and which is not a vice inherent in the rotational system? We are not prepared to say that the rotational system of fixing seniority itself offends equality of opportunity in Government service. Any anomalies which may have resulted on account of insufficient recruitment of direct recruits in the past cannot, in our opinion, be a ground for striking down the rotational system which as we have said does not itself amount to denial of equality in the matter of employment in Government service. It is regrettable that the some anomalies have appeared because of insufficient recruitment of direct recruits in the past in this particular service. But that, in our opinion, can be no reason for striking down the seniority list

Alleged
Dr.
Advocate

prepared in 1963 which is undoubtedly in strict accordance with the rotational system based on fixed quotas for recruitment of direct recruits and promotees. The order of the Board of 1963 on the basis of which the impugned seniority list of Appraisers has been prepared clearly lays down that the principle of determination of seniority of the direct recruits and the promotees *inter se* in the prescribed ratio of 1:1 should be worked out. This order is in accordance with the circular of 1959 and as we have said already, there is no inherent vice in the principle of fixing seniority by rotation in a case where a service is composed in fixed proportion of direct recruits and promotees."

We note that the principles laid down in 1959 OM, were held to be legal by the five Judges Bench in *Mervan Continho's case (supra)*. These principles are to be followed till such time there is change in Recruitment Rules doing away with the quota system or the principles themselves are revised. In the case before us, which relates to Geological Survey of India, neither party has produced any rules to bring out that there has been change in the rules doing away with the quota system. The principles of seniority enunciated in the 1959 OM were altered by the Government in the 1986 OM. This later OM clearly provided that the new principles would be applied prospectively and the seniority decided earlier would not be disturbed. In the above circumstances, the OA is allowed and the order of reversion, dated 10-11-1995 is quashed. The order of rejection of the representation against the revised seniority list conveyed by the respondents in the letter, dated 20-11-1995 as well as the speaking order issued to the applicant, dated 19-5-1995 also stand quashed.

422. Swamy's CL Digest 1997/1

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

A. Narayanamoorthy and others v. Union of India and others

O.A. No. 1476 of 1993 Date of Judgment 17-10-1996

Extending revised principles of seniority backwards without any time limit would be unsettling settled matters

Facts: There are five applicants and three private respondents in this OA. All these persons were recruited as Junior Engineers in the year 1958. All the applicants and R-3 and R-4 passed the qualifying examination in December, 1966 for promotion to Group 'B'. R-5 passed the qualifying examination only in August, 1968. Persons who passed the qualifying examination even at a later date have been given the benefit of promotion to Group 'B' from an earlier date based on the seniority in the category of Junior Engineer. R-5 was promoted in 1970 even though he passed the qualifying examination later to the applicants. All the applicants were promoted to Grade 'B' after 10-8-1970.

In a similar situation the Allahabad High Court by its order, dated 20-2-1985 had held that the basis for promotion to Group 'B' should be the year of passing the qualifying examination as envisaged in Rule 206 of the

P & T Manual, Vol. IV and not on the basis of respective seniority as had been adopted and followed by the official respondents. The learned Counsel for the applicants mainly relied on the principles enunciated in Allahabad High Court order which was later confirmed by the Apex Court.

The case of the official respondents is that all citations referred to relate to the fixation of the seniority of the petitioners who were either working as Junior Engineers or in Group 'B' posts. In view of these judgments, the Department of Telecommunication had decided to revise the seniority of Group 'B' cadre as per Rule 206 of P & T Manual, Vol. IV as supplemented by the Recruitment Rules of 1966. The revised principle of extending seniority and arranging the names in the order of passing the qualifying examination was confirmed to those who were still in Group 'B' at the time of the orders were passed by the Allahabad High Court.

Held: We are unable to find fault with the approach of the official respondents for a number of reasons. As pointed out by the respondents, the various judgments related to the petitioners who were still Junior Engineers or in Group 'B'. Further, the Department of Telecommunications in its letter, dated 14-7-1992 took the decision to review the seniority list based on the principles enunciated by the Allahabad High Court. At that stage it was clearly mentioned that as a first step towards this exercise an All India Eligibility List of JEs as on July, 1973 who had passed the qualifying examination up to 1972, for becoming eligible for promotion to JEs Group 'B' was made out. Thus, there was an intention to bring in the cut off date of 1972, by its letter dated 14-7-1992. This letter of 1992 has not been challenged by the applicants. Even the OA has not been filed within one year from the date of issue of the letter of 14-7-1992. We further observe that those who had already been promoted to posts above Group 'B' by the time the Allahabad High Court judgment was delivered can be taken as a class by themselves. Hence a different treatment cannot be faulted.

Further the extension of revised principles backwards without any time limit would be unsettling settled matters. The applicants had kept quiet when they had been promoted to Group 'B' and subsequently even to Group 'A'. They are now agitating the issue regarding their promotion date in Group 'B' after the judgment of the Allahabad High Court. The extension of any benefit to them would upset the seniority not only in Group 'B' but also Group 'A' junior scale and higher posts. Further, the affected parties have not been impleaded. Thus there is an infirmity due to non-joinder of necessary parties.

We further find that the Department had been apprising the Tribunal regarding the scope of extending the benefit of the revised principles. In Para. 3 of the judgment in *Telecommunication Engg. Service Assn. (India) and another v. Uol and another* [(1994) 27 ATC 742] the Supreme Court had observed that the Principal Bench had noted the intention of the respondents to revise the seniority of the entire cadre of TES Group 'B' officers and that such revision would involve about 10,000 posts. In the above circumstances, we are to unable to grant the relief even with regard to R-5. In view of the above, the OA is dismissed with no order to costs.

*Referred
by
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 446 of 2001

Shri Nani Gopal Sen

-vs-

Union of India & Ors.

-And-

In the matter of :

Submission of documents in support of
the contention raised by the applicant
in O.A. No. 446/2001.

The applicant above named most humbly and respectfully begs
to state as under:

1. That your applicant beg to state that he has filed Original Application before this Hon'ble Tribunal challenging arbitrary action of the respondents in revising the seniority position of the applicant after a lapse of 20 (twenty) years, placing the applicant below the juniors. The aforesaid Original Application was registered as O.A. 446/2001 and the same is now pending for final hearing.
2. That the following documents/letters ^{is} ~~are~~ necessary for proper adjudication of the issues involved in the Original Application.
 - i. Promotion order issued under establishment .
No.283/80 dated 13th October, 1980.

92

Filed by me applicant
Shreegopal N. D. Goswami
Advocate
3/4/02.

ii. Letter No. C. No. 11(34)5/ET.1/92/3083566 dated 22.3.2001.

Copy of the letters dated 13.10.1980 and letter dated 22.3.2001 are annexed as Annexure 'A' & 'B' respectively.

3. That this application is made bona fide and for the ends of justice.

VERIFICATION

I, Nani Gopal Sen, S/o Makhan Lal Sen aged about 58 years, working as Superintendent, Group B, Customs Division, Agartala, applicant in the O.A. no. 446/2001 do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 4th day of April, 2002.

Nani Gopal Sen

CUSTOMS & CENTRAL EXCISE, SHILLONG.

Estt. Order No. 223/EO.

Dated, Shillong the 13th October, 1980.

Subject: Promotion of Upper Division Clerk to the grade of Inspector (CG).

I PROMOTION

The following U.D.Cs are provisionally and temporarily appointed to the grade of Inspector (CG) in this Department in the scale of pay of Rs. 425-15-500-EB-15-560-20-700-EB-25-800/- from the date they join as Inspector (CG) and until further orders :-

Sl.No.	Name of Officers.
	S/Shri
1.	Tejesh Kr. Bose
2.	Bimalendu Deb
3.	Narendra Ch. Kataki
4.	Debabrata Paul
5.	Gauranga Ch. Sarker
6.	Nani Gopal Sen

II TRANSFERS AND POSTINGS IN THE GRADE OF INSPECTOR (CG).

Consequent on the above promotions, the following postings and transfers are ordered with immediate effect :-

Sl.	Name of Officers	From	To
	S/Shri		
1.	Tejesh Kr. Bose	Shillong	Dhubri
2.	Bimalendu Deb	Dibrugarh	Dibrugarh
3.	Narendra Ch. Kataki	Jorhat	N. Lakhimpur
4.	Debabrata Paul	Shillong	Digboi
5.	Gauranga Ch. Sarker	Shillong	Nowgong
6.	Nani Gopal Sen	Shillong	Exprs. Statistic.

Sd/-

(P. S. GUPTA)

ASSISTANT COLLECTOR (HRS.),
CUSTOMS & CENTRAL EXCISE,
SHILLONG.

CONTD. P/2.

:-2:-

C.No. II/3/40/ET.III/88

Dated :-

Copy forwarded to :-

1. The Deputy Collector of Customs & Central Excise, Shillong.
2. The Assistant Collector, Customs & Central Excise, Dibrugarh/Jorhat. Copy meant for the concerned officers are enclosed herewith for onward transmission to them. He is requested to forward a copy of joining report of the new promotee to this office.
3. The Administrative Officer, Customs & Central Excise, Shillong, Superintendent K & J Mills Cell, Customs & Central Excise, Shillong, A.C.A.O./C.A.O., C & C Ex., Shillong. Copy meant for the concerned officers are enclosed herewith for onward transmission to them. He is to relieve the officers with the direction to join at their new place of posting.
4. The Assistant Collector, Customs & Central Excise, Dhubri/Digboi/Gauhati. He is requested to forward a copy of joining report of the new promotee to this office.
5. Superintendent (Sts.), Customs & Central Excise, Shillong, He is to forward the joining report of the new promotee to this office.
6. P.A.O., Customs & Central Excise, Shillong.
7. ET, I/II/IV/V/Lcts. I/II/Confid. Branch of Hqs. Office, Shillong.
8. Copy to Guard File.

[Signature]
 (T.S. GUPTA)
 ASSISTANT COLLECTOR (HQS.)
 CUSTOMS & CENTRAL EXCISE,
 SHILLONG

SL.

13.10.80.

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Annexure-B
a

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE : SHILLONG

C.NO.II(34)5/ET.I/92/

30835-66

Dated: *22/3/2001*

To

The Assistant Commissioner,
Central Excise Division,

The Deputy/Assistant Commissioner,
Customs Division,

✓ The Branch-in-Charge,
Anti - Evadatory Branch of Hqs. Office,
Shillong.

Subject:- Determination of Seniority of Group 'B' Superintendents of Central Excise & Customs Commissionerate, Shillong

Consequent upon the implementation of the Judgement dated 05.09.95 of the Hon'ble CAT, Guwahati in O.A.No.241/91 and the Board's approval to this effect communicated vide F.No.A.23018/3/97-Ad.II.B dated 17.11.97, the Seniority of the Superintendents for the years 1987 to 1998 have been re-fixed as per the recommendation of the Review DPC held in this regard.

2. The integrated Seniority List of such Superintendents has accordingly been drawn.
3. The dates of indicated vide Column 7 against the names of each of these officers is their 'date of assumption of charge' in the grade of Superintendent.

Further, consequent to this revision, the officers who lose in their dates of assumption of charge with regard to their actual date of joining in the grade of Superintendent (i.e. previous date of joining), the service put in by such officers will be treated as service put in on adhoc basis.

4. The pay in respect of the officers should be fixed under F.R. 27 at the stage it would have reached had they been promoted to the grade of Superintendent as per the dates of assumption of charge assigned herein. They will not be entitled to any arrears of pay for the period preceding the actual date of promotion.

5. It is requested that this Integrated Seniority List of Superintendent Group 'B' may be circulated amongst all the concerned officers immediately. The officers may be advised to immediately file objections, if any, against the assignment of Seniority as well as factual mistakes noticed, to this office and in any case not later than April 15, 2001.

Encls : As above.

(B. THAMAR)
21.03.01
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE
SHILLONG

5

INTEGRATED SENIORITY LIST OF SUPERINTENDENT AS PER CAT'S JUDGEMENT DATED 05.09.95 IN O.A. NO. 241/91.

Sl. No.	Name & Educational Qualification	Date of Birth	Date of Appt. in Govt. service	Date of confirmation in Govt. service	Date of joining as Inspector	Date /Deemed date of assumption of charge.	Whether DR/PR as Inspector	Remarks
01	02	03	04	05	06	07	08	09
01.	Sachindra Kr. Paul, Matric	01.11.41	01.11.61	29.01.76	02.08.72	24.04.87	PR	Expired
02.	Chirobimal Das, Matric	01.10.37	02.01.57	29.01.76	02.08.72	24.04.87	PR	Retired
03.	Taresh Ch. Debnath, Matric	28.07.35	29.01.56	29.01.76	04.08.72	24.04.87	PR	Retired
04.	N. Bhattacharjee, B.A.	01.07.42	07.10.63	29.01.76	01.08.72	24.04.87	PR	Promoted as AC
05.	M.K. Chakraborty, I.A.	01.03.40	23.11.60	29.01.76	02.08.72	24.04.87	PR	Promoted as AC
06.	Probir Kr. Bori, Matric	01.05.36	18.07.55	29.01.76	02.08.72	24.04.87	PR	Retired
07.	Dhirendra Kr. Bhattacharjee, Matric	01.02.36	07.09.61	29.01.76	02.08.72	24.04.87	PR	Retired
08.	P. Sharma, Matric	01.08.39	28.06.63	29.01.76	02.08.72	24.04.87	PR	Retired
09.	G.C. Chatterjee, Matric	01.11.39	30.09.63	07.04.76	02.08.72	24.04.87	PR	Retired
10.	M.L. Dey, Matric	01.10.42	20.07.64	01.07.76	03.08.72	24.04.87	PR	Promoted as AC
11.	P.K. Deb, B.A.	02.01.40	01.08.64	01.07.76	02.08.72	24.04.87	PR	Promoted as AC
12.	Bibhas Ranjan Das, Matric	01.10.35	18.04.57	01.02.77	03.08.72	24.04.87	PR	Retired
13.	Lalit Kr. Hazarika, Matric	01.03.35	13.01.60	02.02.72	04.08.72	24.04.87	PR	Retired
14.	A.C. Bora (SI), Matric	01.12.41	13.08.62	01.11.83	02.08.72	24.04.87	PR	Promoted as AC
15.	B.K. Roy, B.Sc.	24.10.51	12.05.72	12.06.77	29.09.75	24.04.87	DR	Promoted as AC
16.	N.Kar, B.Com.	01.01.51	22.07.70	01.02.77	29.09.75	24.04.87	DR	Promoted as AC
17.	Ms. Anupama Devi, B.A.	18.09.36	01.10.55	07.06.77	08.09.75	24.04.87	PR	Retired
18.	N.K. Bhattacharjee, B.Sc.	30.11.51	20.03.72	31.10.77	26.09.75	24.04.87	DR	Promoted as AC
19.	D.M. Banerjee, B.A.	31.08.41	01.10.63	01.11.77	01.10.75	24.04.87	PR	Promoted as AC
20.	Swaraj Kr. Roy, Matric	31.07.33	01.12.62	22.09.77	29.09.75	24.04.87	PR	Retired
21.	R.K. Chakraborty, B.A.	20.10.51	29.01.70	01.12.77	23.09.75	24.04.87	DR	Promoted as AC
22.	J.K. Paul, B.Sc.	30.01.50	15.10.75	01.12.77	15.10.75	24.04.87	DR	Promoted as AC
23.	D.P. Das, B.Sc.	15.02.52	25.09.71	31.12.77	22.09.75	24.04.87	DR	Promoted as AC
24.	M.K. Chanda, B.A.	01.05.50	28.10.70	01.02.78	18.09.75	24.04.87	DR	Promoted as AC
25.	G. Dutta, B.A.	04.09.50	28.10.70	01.02.78	18.09.75	24.04.87	DR	Promoted as AC
26.	K.B. Bhujel, B.A.	31.01.50	25.09.75	01.02.78	25.09.75	24.04.87	PR	Expired
27.	R.C. Suklabaidya, (SI), Matric	01.10.40	20.04.61	28.05.79	05.11.76	24.04.87	PR	Promoted as AC
28.	Ranjit Kr. Baidya, (SI), B.A.	01.04.49	26.02.74	28.05.79	26.07.76	24.04.87	PR	Promoted as AC

01	02	03	04	05	06	07	08	09
29.	M.C. Hazerika, (SC) Matric	01.04.46	20.01.65	28.05.79	28.10.76	24.04.87	PR	Promoted as AC
30.	H. Suklabaidya, (SC) B.A.	09.03.46	24.03.72	01.08.79	26.07.76	24.04.87	PR	Promoted as AC
31.	Dimbeswar Borah, B.Sc.	01.01.50	01.10.75	01.02.78	01.10.75	22.04.88	DR	Promoted as AC
32.	B.R. Deb Roy, B.Sc.	08.03.53	01.10.75	01.03.78	01.10.75	22.04.88	DR	Promoted as AC
33.	Nazrul Islam, B.Sc.	01.09.51	23.09.75	01.03.78	23.09.75	22.04.88	PR	Promoted as AC
34.	A.K. Pandit, P.U.	01.03.49	30.07.66	01.02.78	27.09.75	22.04.88	DR	Promoted as AC
35.	T. Nath, B.Sc.	25.12.53	23.09.75	01.03.78	23.09.75	22.04.88	DR	Promoted as AC
36.	Md. A. Hussain, B.Sc.	11.09.51	20.09.75	01.03.78	20.09.75	22.04.88	DR	Promoted as AC
37.	D.K. Deb Choudhury, B.Com.	01.04.39	30.03.72	01.02.78	13.09.75	22.04.88	PR	Expired
38.	Anjan Kanti Roy, P.U.	01.09.45	25.01.65	28.02.78	20.10.75	22.04.88	PR	Promoted as AC
39.	Smt. P.R. Ghosh, B.A.	06.04.40	24.11.60	01.03.78	29.09.75	22.04.88	PR	Retired
40.	Subodh Ch. Deb Nath, Matric	01.05.34	11.04.61	01.03.78	19.09.75	22.04.88	PR	Retired
41.	Kshitish Ch. Das, B.A.	04.11.41	01.07.61	01.05.78	25.09.75	22.04.88	PR	Retired
42.	Samir Ch. Adhikary, B.Com.	18.05.40	25.10.60	01.12.78	24.07.75	22.04.88	DR	Promoted as AC
43.	L.S. Vanchhawng, (ST) B.A.	28.12.51	22.07.76	01.04.78	22.07.76	22.04.88	DR	
44.	Biswajit Sarkar, B.Sc.	01.11.55	02.08.76	01.04.78	02.08.76	22.04.88	DR	
45.	Subir Kr. Chakraborty, B.A.	03.12.52	24.07.76	01.06.78	24.07.76	22.04.88	DR	
46.	S.P. Chakraborty, B.A.	05.08.50	20.03.72	01.07.78	28.07.76	22.04.88	DR	
47.	P.S. Purkayastha No. 1, B.Sc.	14.07.53	02.08.76	01.03.78	02.08.76	22.04.88	DR	
48.	Asanta Borah, (ST), B.Sc.	01.05.46	30.03.72	28.05.79	29.07.76	22.04.88	PR	Promoted as AC
49.	Sujan Kr. Das, (SC), B.A.	02.02.53	20.01.77	28.05.79	28.01.77	22.04.88	DR	Promoted as AC
50.	Subodh Dhar (SC), B.Com.	27.06.54	17.09.77	13.12.80	17.09.77	22.04.88	DR	Expired
51.	Conference Ngamlai (ST), B.A.	28.02.50	02.08.76	13.12.80	02.08.76	22.04.88	PR	Retired
52.	Gopal Ch. Sarkar, (SC) I.A.	22.11.39	16.01.65	24.11.80	23.11.78	22.04.88	DR	
53.	Rama Kanta Das, (SC), B.A.	01.01.54	09.10.75	13.12.80	03.10.78	22.04.88	PR	Retired
54.	R.K. Laskar, (SC), Matric	01.10.38	30.04.57	24.12.75	24.12.73	29.08.89	DR	
55.	Ranjit Kr. Dutta No. 1, B.Sc.	10.08.51	26.07.76	01.09.78	26.07.76	29.08.89	DR	
56.	Indrajit Guha, B.Sc.	07.05.56	27.07.76	01.10.78	27.07.76	29.08.89	DR	
57.	A. Hore, B.Com.	31.07.53	23.07.76	01.10.78	23.07.76	29.08.89	DR	
58.	A. Dasgupta, B.Sc.	12.01.55	26.07.76	01.12.78	26.07.76	29.08.89	DR	
59.	B.B. Adhikari, B.Com.	22.11.53	07.06.74	20.05.79	26.07.76	29.08.89	DR	
60.	Gopendra Ch. Paul, B.A.	01.01.47	12.08.71	28.05.79	30.07.76	29.08.89	DR	
61.	P.K. Das, No. 1, B.Sc.	01.03.55	02.08.76	20.05.79	02.08.76	29.08.89	DR	
62.	R.K. Goswami, B.Com.	07.06.54	23.07.76	28.05.79	23.07.76	29.08.89	DR	Expired
63.	Bidyut Rn. Deb, B.Sc.	28.08.52	24.07.76	28.05.79	24.07.76	29.08.89	PR	
64.	N. Bhattacharjee, Matric	15.05.51	04.01.71	20.05.79	17.11.76	29.08.89	DR	
65.	A.K. Sharma, B.Sc.	21.01.54	29.07.76	28.05.79	29.07.76	29.08.89	DR	

01	02	03	04	05	06	07	08	09
66.	Hemen Gogoi, B.Sc.	01.01.55	24.07.76	28.05.79	24.07.76	29.08.89	DR	
67.	A.B. Dutta, B.Sc.	01.07.55	21.07.76	28.05.79	21.07.76	29.08.89	DR	
68.	R.K. Bhattacharjee, P.U.	01.04.44	19.01.65	28.05.79	29.10.76	29.08.89	PR	
69.	S.K. Bose, B.A.	04.08.54	30.07.76	28.05.79	30.07.76	29.08.89	DR	
70.	S.K. Bose, B.A.	11.07.52	02.08.76	28.05.79	02.08.76	29.08.89	DR	
71.	D.K. Nath, B.A.	05.04.54	29.07.76	28.05.79	29.07.76	29.08.89	PR	Retired
72.	S. Paul, B.Sc.	01.02.41	01.11.61	28.05.79	19.11.76	29.08.89	PR	Retired
73.	S. Banik, Matric	31.03.39	04.08.62	23.11.80	22.11.78	29.08.89	DR	
74.	Ms. M. Swer, (ST) I.A.	24.02.54	30.09.78	13.12.80	30.09.78	29.08.89	PR	
75.	M. Marbaniang, (ST), B.Com.	01.10.43	25.01.65	13.12.80	12.12.78	29.08.89	DR	
76.	Agnu Ram Das, (SC) Matric	20.02.53	17.11.75	13.12.80	22.09.78	29.08.89	DR	
77.	Apalak Das, (SC), B.A.	20.11.46	30.09.78	13.12.80	30.09.78	29.08.89	DR	
78.	Chandi Das Baidya (SC) B.Sc.	20.09.53	31.07.76	23.05.79	31.07.76	09.08.90	DR	
79.	K.C. Mohan, B.A.	26.12.51	26.07.76	28.05.79	26.07.76	09.08.90	DR	
80.	C.M. Chakraborty, B.Sc.	02.05.55	27.07.76	28.05.79	27.07.76	09.08.90	DR	
81.	T.S. Saikar, B.Sc.	16.03.51	13.07.76	28.05.79	13.07.76	09.08.90	DR	
82.	H.R. Saha, B.A.	01.03.44	01.03.62	28.05.79	02.08.76	09.08.90	DR	
83.	N.K. Chakraborty, B.Com.	23.01.54	26.07.76	28.05.79	26.07.76	09.08.90	DR	
84.	S. Bhowmick, B.A.	28.02.50	04.10.78	13.12.80	04.10.78	09.08.90	DR	
85.	J.R.H. Diengdoh, (ST), B.Sc.IIB	05.09.53	03.10.78	13.12.80	03.10.78	09.08.90	DR	
86.	Pranab Kumar Barua, (SC) B.Sc.	01.03.51	13.09.75	31.10.77	13.09.75	20.06.91	PR	Expired
87.	A.V. Duha, (ST), B.A.	04.06.45	25.01.65	28.05.79	02.08.76	20.06.91	DR	
88.	Parimal Ch. Kar, Matric	01.03.52	30.07.76	28.06.79	30.07.76	20.06.91	DR	
89.	Md. Khurshed Ahmed, B.A.	01.03.48	06.02.74	23.05.79	30.07.76	20.06.91	DR	Expired
90.	P.K. Das, No.2, B.Sc.	14.02.52	29.07.76	28.05.79	29.07.76	20.06.91	DR	
91.	Pranab Bhattacharjee, B.Sc.	01.09.56	29.07.76	28.05.79	29.07.76	20.06.91	DR	
92.	P. Sharma, B.Sc.	19.12.53	29.07.76	28.05.79	29.07.76	20.06.91	DR	
93.	U.C. Das, M.A.	27.10.53	31.07.76	28.05.79	31.07.76	20.06.91	DR	
94.	Biman Dhar, B.Sc.	23.01.53	28.07.75	28.05.79	02.08.76	20.06.91	DR	
95.	B. Paul, B.Com.	25.10.52	26.07.76	28.05.79	26.07.76	20.06.91	PR	
96.	P.B. Nag, B.A.	09.01.48	15.02.72	28.05.79	29.10.76	20.06.91	DR	
97.	G.K. Sharma Boral, HSLC	01.03.57	03.10.78	13.12.80	03.10.78	20.06.91	PR	
98.	R.Lalngurauva, (ST) B.A.	01.10.41	21.01.65	13.12.80	22.11.73	20.06.91	PR	
99.	Rambrosad Das, (SC) Matric	01.02.40	25.07.64	10.09.81	20.02.79	20.06.91	PR	Retired
100.	Abhiram Das, (SC), Matric	10.01.39	12.04.61	28.05.79	30.10.76	20.06.92	PR	Retired
101.	Sunil Ch. Bhowal, B.A.	01.03.39	13.02.62	28.05.79	30.10.76	20.06.92	PR	
102.	D.C. Biswas, Matric	31.12.42	29.05.62	01.06.79	29.10.76	20.06.92	PR	

01	02	03	04	05	06	07	08	09
103.	Bijoy Krishna Deb, - I. I.A.	01.02.39	14.02.62	01.09.79	13.11.76	17.09.92	PR	Retired
104.	M. Supra Singh, Matric	01.07.35	26.06.67	01.10.80	26.10.76	17.09.92	PR	Retired
105.	D.K. Majumdar, B.Sc.	21.01.51	27.01.77	28.05.79	27.01.77	17.09.92	DR	
106.	A.K. Dutta, B.Sc.	01.02.53	27.01.77	28.05.79	27.01.77	17.09.92	DR	
107.	N.L. Roy, B.A.	01.09.45	20.01.65	01.06.79	28.01.77	17.09.92	DR	
108.	P.K. Singha Choudhury, B.Sc.	01.02.51	20.01.77	01.06.79	28.01.77	17.09.92	DR	
109.	I. A. Halim, B.Sc.	07.03.57	27.01.77	01.06.79	27.01.77	17.09.92	DR	
110.	I. Kar, B.A.	01.11.53	29.01.77	01.01.80	29.01.77	17.09.92	DR	
111.	N.K. Nath, B.Sc.	17.01.51	19.09.77	01.01.80	19.09.77	17.09.92	DR	
112.	M.K. Bose, B.Sc.	17.10.51	19.07.77	24.11.80	19.07.77	17.09.92	DR	
113.	A.K. Choudhury, B.A.	01.06.53	19.09.77	13.12.80	19.09.77	17.09.92	DR	
114.	Kisholoy Das, B.A.	19.03.53	04.10.78	13.12.80	04.10.78	17.09.92	DR	
115.	Utpal Kr. Das, (ST), B.A.	01.12.52	30.10.78	13.12.80	30.10.78	17.09.92	DR	
116.	Dangshi Ram Boro (ST), Matric	01.02.44	25.01.65	13.12.80	25.11.78	17.09.92	PR	
117.	Swapan Kr. Roy, (SC), B.A.	16.03.51	10.11.80	01.10.81	10.11.80	17.09.92	DR	
118.	Debendra Ch. Das, (SC), B.A.	01.07.45	25.01.65	01.08.82	29.11.78	17.09.92	PR	
119.	N.C. Patra, (SC), B.Sc.	01.01.54	16.03.79	13.03.86	30.06.81	17.09.92	DR	
120.	Md. Joynul Abedin, B.Sc.	28.01.53	02.01.79	02.04.81	02.01.79	12.03.93	DR	
121.	A. Bhattacharjee, B.Sc.	01.03.56	25.09.78	13.12.80	25.09.78	12.03.93	DR	
122.	A. Chatterjee, B.Sc.	01.04.56	04.10.78	13.12.80	04.10.78	12.03.93	DR	
123.	P. Sikdar, B.Sc.	24.04.51	12.10.78	13.12.80	12.10.78	12.03.93	DR	
124.	B.K. Banerjee, B.Sc.	26.02.56	30.09.78	13.12.80	30.09.78	12.03.93	DR	
125.	Sashidhar Pegu, (ST), B.A.	01.09.43	04.10.78	13.12.80	04.10.78	12.03.93	DR	
126.	S. Sharma, M.Sc.	31.03.52	25.11.78	13.12.80	25.11.78	07.06.93	DR	
127.	Jagadish Ch. Das, No.1 B.A.	23.06.52	21.07.74	13.12.80	20.11.78	07.06.93	PR	
128.	Dhirendra Nath Boro, (ST), B.Sc.	01.05.48	04.10.78	13.12.80	04.10.78	07.06.93	DR	
129.	Biren Ch. Patir, (ST), B.A.	01.12.53	21.01.76	13.12.80	03.10.78	07.06.93	PR	
130.	K.C. Sarkar, Matric	05.07.46	25.01.65	13.12.80	27.11.78	07.06.93	PR	
131.	Alexander Lywait, (ST), B.Sc.	01.02.56	29.09.78	13.12.80	29.09.78	07.06.93	DR	
132.	Chandler Shullai, (ST) B.A.	19.12.49	13.11.78	01.04.81	13.11.78	07.06.93	DR	
133.	K.K. Taneja, M.Sc.	09.01.55	08.03.79	01.04.81	08.03.79	07.06.93	DR	
134.	R.C. Das, Matric	01.07.44	23.01.65	01.10.81	29.11.76	07.06.93	PR	
135.	Rupnath Pegu, (ST), B.A.	01.05.51	03.10.78	02.04.81	03.10.78	07.06.93	DR	
136.	Pranay Kanti Deb, B.Com.	26.01.54	12.06.74	13.12.80	24.11.78	07.06.93	PR	
137.	K.C. Gogoi, B.A.	01.03.45	23.01.65	02.04.81	30.11.78	07.06.93	PR	
138.	R.C. Dey, Matric	01.09.48	28.02.73	30.03.81	28.03.79	07.06.93	PR	
139.	Jalindra Nath Barua, Matric	01.02.36	08.02.62	01.10.81	22.11.78	07.06.93	PR	Retired

	02	03	04	05	06	07	08	09
	D. Chattopadhyay, M.A.	01.03.55	25.04.79	10.09.81	25.04.79	07.06.93	DR	
	Sudhir Ranjan Choudhury, Matric	21.04.39	03.02.79	01.10.81	03.02.79	07.06.93	DR	Retired
141	Kalpam Kachari, (ST), Matric	02.08.47	01.02.65	10.09.81	10.09.79	07.06.93	PR	
142	Chalau Hauzel, (ST), B.A.	01.03.54	06.03.80	01.10.81	26.10.80	07.06.93	DR	
143	Nani Gopal Sen, (SC), B.A.	28.08.48	28.10.70	13.03.86	30.03.81	07.06.93	DR	
144	Alagiri Swami, (SC), B.A.	31.08.47	30.03.81	01.01.80	27.01.77	27.09.93	DR	
145	Arun Kr. Datta, B.A.	27.03.54	27.01.77	01.01.80	22.01.77	27.09.93	DR	
146	R. Bhattacharjee, B.Sc.	27.01.53	22.01.77	01.10.81	27.03.79	27.09.93	PR	
147	B.G. Mondal, B.Sc.	21.09.52	27.03.79	10.09.81	07.09.79	27.09.93	PR	
148	Samindra Nath, B.A.	01.11.44	25.01.65	10.09.81	19.09.79	27.09.93	PR	
149	Gopal Ch. Paul, Matric	01.04.46	23.01.65	19.09.81	10.09.79	27.09.93	PR	Expired
150	Samir Chakraborty, Matric	12.02.48	04.04.65	01.10.81	06.09.79	27.09.93	DR	
151	H.C. Dhar, Matric	01.03.44	22.01.65	01.10.81	07.03.80	27.09.93	PR	
152	S. Deb, B.Sc.	15.05.54	07.03.80	01.10.81	25.10.80	27.09.93	DR	
153	B. Deb, H.S.L.C.	15.11.52	23.10.70	01.12.82	22.11.79	27.09.93	DR	
154	T.M. Harilong, (ST) B.A.	01.03.56	22.11.79	29.11.86	07.04.82	27.09.93	DR	
155	N.C. Singh Singjam, (SC) B.Sc.	01.09.51	07.04.82	27.04.87	02.08.82	29.06.94	DR	
156	Tapan Kr. Sarkar, (SC), B.Sc.	19.04.56	02.08.82	01.10.81	28.10.80	29.06.94	PR	
157	N.C. Kafaki, B.A.	08.04.56	28.10.80	01.10.81	23.10.80	29.06.94	PR	
158	D. Paul, B.Com.	28.11.49	28.10.70	01.10.81	29.10.80	29.06.94	DR	
159	G.C. Sarkar, Matric	25.11.44	13.04.81	01.12.82	13.04.81	29.06.94	DR	
160	M.S. Tyagi, B.Sc.	20.07.57	30.03.81	01.12.82	30.03.81	29.06.94	DR	Expired
161	J. Acharyee, B.Sc.	01.01.55	08.04.81	01.12.82	08.04.81	29.06.94	DR	
162	A.K. Chaturvedi, M.A.	25.12.54	27.03.81	01.12.82	27.03.81	29.06.94	DR	
163	S.K. Vidyanta, M.Sc.	13.02.56	10.06.81	01.12.82	10.06.81	29.06.94	DR	
164	D.K. Verma, B.Sc.	16.06.55	23.05.81	01.12.80	23.05.81	29.06.94	DR	
165	Susmal Das, B.Sc.	02.01.56	30.03.81	01.12.82	30.03.81	29.06.94	DR	
166	K. Neog, B.Com.	11.06.55	09.06.81	05.03.86	09.06.81	29.06.94	DR	
167	Jambu Lama, (ST) B.A.	12.04.55	30.03.81	13.03.86	30.03.81	29.06.94	DR	
168	N.G. Baiman, (ST), B.Sc.	27.12.54	30.03.81	13.03.86	27.03.81	29.06.94	DR	
169	Bapukan Patir, (ST), B.A.	30.04.50	27.03.81	19.03.86	30.03.81	29.06.94	DR	
170	Rajoo Sonowal, (ST), B.A.	01.04.56	30.03.81	19.03.86	27.03.81	29.06.94	DR	
171	Gobinda Thabab, (ST) B.A.	20.11.54	27.03.81	07.06.86	13.04.81	29.06.94	DR	
172	T. Tuankhanthang, (ST), B.Sc.	01.03.55	13.04.81	27.04.87	16.09.83	29.06.94	DR	
173	P.S. Das, (SC), B.Com.	24.02.57	06.02.82	13.05.87	05.07.82	29.06.94	DR	
174	Aswini Kr. Das, (SC), B.Com.	01.03.59	05.07.82	07.06.86	30.03.81	05.06.95	DR	
175	P.K. Reang, (ST), B.A.	05.09.51	30.03.81					

01	02	03	04	05	06	07	08	09
177.	P. Debnath, B.Sc.	02.02.56	01.04.82	07.06.86	01.04.82	05.06.95	DR	
178.	B.K. Deb, -II B.Com.	05.06.56	19.01.82	29.11.86	19.01.82	05.06.95	DR	
179.	Jahar Dey, B.A. (H)	01.09.57	02.09.82	29.11.86	02.09.82	05.06.95	DR	
180.	D. Bhattacharjee, B.A.	25.03.54	07.11.75	01.12.82	06.11.82	05.06.95	PR	
181.	A. Chakraborty, B.Sc.	06.01.56	06.08.82	29.11.86	06.08.82	05.06.95	DR	
182.	J.L. Bhowmick, P.U.	26.12.53	18.02.76	01.12.82	16.11.82	05.06.95	PR	
183.	Koj Tat, (ST) B.A.	22.11.55	19.01.82	27.04.87	19.01.82	05.06.95	DR	Expired
184.	J.C. Das, - II (SC) B.Com.	01.09.54	19.01.82	13.05.87	19.01.82	05.06.95	DR	
185.	A. Dutta, B.Sc. (H)	30.04.53	16.03.82	27.04.87	16.03.82	08.12.95	DR	
186.	S.R. Dhar, B.A.	08.05.53	09.02.76	01.12.82	16.11.82	08.12.95	PR	
187.	D.R. Saha, B.Sc.	02.01.57	18.03.82	27.04.87	18.03.82	08.12.95	DR	
188.	R.K. Sarkar, M.Sc.	30.11.58	06.07.82	27.04.87	06.07.82	08.12.95	DR	
189.	Sukanta Das, B.Sc.	13.10.59	26.03.82	27.04.87	26.03.82	08.12.95	DR	
190.	Srijon Ganguly, B.Sc.	01.08.55	13.02.76	01.12.82	16.11.82	08.12.95	PR	
191.	Biren Saikia, (ST) B.Sc.	01.12.53	19.01.82	27.04.87	19.01.82	08.12.95	DR	
192.	Subhrangshu Deb, M.Sc.	01.03.57	01.04.82	27.04.87	01.04.82	08.12.95	DR	
193.	Smt. N.M. Phukan, M.Sc.	01.03.56	26.02.82	27.04.87	26.02.82	08.12.95	DR	
194.	Abhijit Ghosh, B.Sc.	03.11.52	21.02.76	01.12.82	16.11.82	08.12.95	PR	
195.	Manoj K. Brahma, (ST) M.Sc.	09.02.55	12.07.82	13.05.87	12.07.82	08.12.95	DR	
196.	P.R. Mullick, (SC) P.U.	01.02.47	01.04.72	01.12.82	16.11.82	08.12.95	PR	
197.	Gopal Ch. Das, (SC) BA(H), LLB	01.01.56	25.01.77	01.12.82	16.11.82	08.12.95	PR	
198.	A. Chakraborty, B.Sc.	10.07.58	28.01.82	27.04.87	28.01.82	21.03.96	DR	
199.	N.M. Baishya, B.A.	20.12.57	01.04.82	27.04.87	01.04.82	21.03.96	DR	
200.	R.K. Sharma, B.A.	01.03.60	26.02.82	29.04.87	26.02.82	29.09.96	DR	
201.	B. Bhattacharjee, B.A.	30.06.56	20.02.76	01.12.82	16.11.82	29.09.96	PR	
202.	A.K. Saikia, M.Sc.	01.01.59	22.01.82	29.04.87	22.01.82	29.09.96	DR	
203.	Dipak Bhattacharjee, B.Sc.	18.05.57	22.01.82	29.04.87	22.01.82	29.09.96	DR	
204.	Amar Kumar Singha, BA	04.11.57	20.01.82	13.05.87	20.01.82	29.09.96	DR	
205.	B.K. Baishya, (ST) B.Sc.	08.11.56	17.03.82	13.05.87	17.03.82	29.09.96	DR	
206.	Padmeshwar Pegu, (ST) B.Sc.	31.01.53	08.04.82	13.05.87	08.04.82	29.09.96	DR	
207.	Priya Ram Barua, P.U.	01.02.51	02.11.70	01.12.82	16.11.82	21.06.97	PR	
208.	Pincki Shankar Roy, B.Sc.	15.01.57	09.03.82	13.05.87	09.03.82	21.06.97	DR	Expired
209.	Dinesh Mahanta, B.Sc. (H)	01.01.53	12.09.83	13.05.87	12.09.83	21.06.97	DR	
210.	P.S. Purkayastha, -II, B.Sc.	01.12.56	24.03.82	13.05.87	24.03.82	21.06.97	DR	
211.	Ms. Purabi Deb Gupta B.A.	01.12.54	06.11.75	01.12.82	16.11.82	21.06.97	PR	
212.	Smt. R.M. Shabong, (ST), Matric	01.09.44	05.05.71	01.12.82	16.11.82	21.06.97	PR	
213.	Sachindra Nath Das, (SC), BA	01.12.55	06.05.77	01.12.82	23.09.81	21.06.97	PR	

01	02	03	04	05	06	07	08	09
214.	Pranab Kr. Sharma, B.Sc.	01.03.58	14.04.82	13.05.87	14.04.82	16.01.98	DR	
215.	Rathindra Bhattacharjee, B.Sc.	06.11.54	06.03.74	01.12.82	16.11.82	16.01.98	PR	
216.	Naba Kr. Barua (ST), B.Sc.	01.01.55	29.01.82	13.05.87	29.01.82	16.03.98	DR	
217.	Achinta Kr. Sonowal (ST), B.A.	01.11.54	05.02.82	13.05.87	05.02.82	16.03.98	DR	
218.	Tapan Kr. Kar, B.A.	01.11.49	05.06.74	01.12.82	16.11.82	20.06.98	PR	
219.	B.B. Saikia, (ST), B.Sc.	12.09.52	31.08.82	13.05.87	31.08.82	20.06.98	DR	
220.	Smt. Melicia Synnah, (ST) M.A.	30.03.50	04.01.82	13.05.87	04.01.82	20.06.98	DR	
221.	M.M. Neog, (ST) B.Com.	01.01.56	02.04.82	13.05.87	02.04.82	20.06.98	DR	
222.	D.N. Doley, (SC) B.Com.	30.07.53	20.02.82	13.05.87	20.02.82	20.06.98	DR	
223.	Shital Ch. Das, (SC) HSLC	02.09.51	12.03.74	01.12.82	16.11.82	20.06.98	PR	
224.	Biman Ch. Das, (SC) HSLC	21.08.47	15.03.74	01.12.82	16.11.82	20.06.98	PR	
225.	Gangadhar Das, (ST) BA	01.08.56	12.07.82	13.05.87	12.07.82	15.12.2000	DR	
226.	Ms. Sayada Jasmine Begum, BA	01.12.52	15.04.74	01.12.82	16.11.82	15.12.2000	PR	
227.	Debendra Moshahary, (ST) MA	20.09.58	05.03.82	13.05.87	05.03.82	15.12.2000	DR	
228.	James Dohling (ST), BA	18.03.56	02.03.82	13.05.87	02.03.82	15.12.2000	DR	
229.	K.N. Daimary, (ST), B.Sc.	01.01.58	12.07.82	13.05.87	12.07.82	15.12.2000	DR	
230.	L. Hauferram, (ST) PU	24.12.46	01.03.74	01.12.82	16.11.82	15.12.2000	PR	
231.	Jyotish Ch. Das, (SC) BA	01.12.52	14.11.77	01.12.82	16.11.82	15.12.2000	PR	
232.	Beli Ram Das, (SC) PU	12.02.53	23.06.77	01.08.83	18.07.83	15.12.2000	PR	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 446 of 2001

Shri Nani Gopal Sen

-vs-

Union of India & Ors.

-And-

In the matter of :

An Additional rejoinder submitted by the applicant in reply to the written statement submitted by the respondents.

The applicant above named most humbly and respectfully begs to state as under:

1. That your applicant beg to state that he has filed Original Application before this Hon'ble Tribunal challenging arbitrary action of the respondents in revising his seniority position as on 1.1.1986 and also as on 1.1.1993 in terms of O.M. dated 22.12.1959 and also in terms of principles laid down in O.M. dated 7.2.1986 issued by the D.O.P.T. The said Original Application is being contested by the respondents and the same is now pending before the Hon'ble Central Administrative Tribunal for final hearing.

It is stated in the impugned order that all representations received against the revised seniority list dated 13.07.1998 of Inspectors (now Superintendents) had been considered individually on merit in the past and disposed of *by me*

by

the

201
Filed by me app. beam
through N. D. Goswami
Advocate
14/5/02

Cadre Controlling authority. The review DPC, for promotion to the grade of Superintendents was conducted strictly as per the revised seniority list of Inspectors (now Superintendents). Therefore there was no ground for placement in the integrated seniority list on any other criteria other than the revised seniority list of Inspectors (now Superintendents). But surprisingly the seniority list dated 13.07.1998 was never been served upon the applicant and the applicant ^{is not} ~~has never~~ aware about the issuance of the said impugned seniority list. The applicant only after receipt of the impugned order dated 3.5.2001 came to learn about the issuance of the impugned seniority list dated 13.07.1998 and moreover principles adopted while re fixing seniority as reflected in the impugned seniority list dated 13.7.98 is contrary to the O.M. dated 22.12.1959 as well as O.M. dated 7.2.1986 and also contrary to the judgment and order dated 22.1.1999 in O.A. Nos. 171/95 passed by this Hon'ble Tribunal. As such, the said impugned seniority list is void ab initio.

A copy of the impugned letter dated 13.7.1998 along with seniority list is annexed as Annexure-A.

Under the facts and circumstances stated above the Original Application is deserves to be allowed with costs.

108 (692)

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, SHILLONG

C.No.II(34)1, ET-I/96/

28968-10

Dated : 3 JUL 1998

To

The Assistant Commissioner,

Tinshukia Central Excise Division (All).

The Assistant Commissioner,

----- Customs Division (All).

The Branch-in-Charge,

----- Branch of Hqrs. Office,
Shillong.

Subject : Re-fixation of Seniority - C/R-

As a consequent of the Order dated 05-09-95 pronounced by the Hon'ble C.A.T., Guwahati in O.A. No.241/91, a draft Seniority List of Inspectors, appointed upto 1980, was circulated to all concerned vide this office C.No.II(34)1, ET-I/96/1347-400(A) dated 35-06-96. Representations, if any, had been invited against the draft revised Seniority. Some Representations have been received and have been examined carefully. These representations are hereby disposed in terms of the extant instructions on the matter referred below :

(A) Some of the representations have conveniently cited certain parts of the Judgement of Hon'ble C.A.T., Cuttack in O.A. Nos. 62, 63 & 71 of 1987, which was the basis for fixation of Seniority as per C.A.T., Guwahati's order dated 05-05-95. These representations have contended that their dates of joining as Inspectors should be the basis for fixing their seniority. The Cuttack Bench of C.A.T. in their order directed to revise the seniority as per D.O.P&T.'s O.M. dated 07-02-86 keeping in view the illustration given in Para 3 of the said O.M. The draft Seniority have followed the Principle laid down in D.O.P&T.'s O.M. dated 07-02-86. Therefore the representations for fixing seniority with reference to the date of joining is incorrect and hence not tenable.

(B) Representations have also been received against fixation of seniority of the Inspectors promoted in 1978 alongwith the Direct Recruits of that year on the ground that these promotee Inspectors were promoted provisionally and temporarily. The promotee Inspectors appointed to the grade were later on confirmed alongwith the Direct Recruits of 1978 and hence there is no scope of any further revision of the draft Seniority List on the above count.

Contd. . . B/2. . .

[Handwritten signature]

Revised Seniority List

ET 24/8/98
AD
amv
24/8

(C) Some of the representations have also contended that there were no vacancies, under promotion quota, when promotions were given to the grade of Inspectors in the relevant period, and hence such promotees should not be given seniority in the manner adopted in the draft seniority list. This contention is baseless as promotions were given against vacancies.

(D) Some representations have mentioned that there have been mistakes in showing their actual status under Column-7 which indicates whether the officers are direct recruits or promotees. These mistakes have been taken care of and necessary corrections made in the seniority list by refixing their inter-se seniority consequently. These mistakes have crept in due to the fact that earlier seniority lists published since their appointments had these mistakes and concerned officers have not represented for necessary corrections.

In view of the above, all the representations received against the revision are hereby disposed off and the draft Seniority List finalised with the above mentioned changes.

A copy of the Seniority List so finalised is enclosed herewith which may be circulated to all the concerned officers immediately. They may also be informed that their seniority in the grade of Superintendent will also be revised based on this Seniority List.

Encl: As above.

(D. THAKUR)
DEPUTY COMMISSIONER (P&V)
CUSTOMS AND CENTRAL EXCISE: SHILLONG

C.No.II (34)1/ET-I/96/

Dated :-

to :-

Copy forwarded for information and necessary action

1. Shri K. Majhi, Under Secretary, Central Board of Excise and Customs, North Block, New Delhi with reference to his letter F.No.A-23018/3/97-Ad.II-3 dated 19th June, 1998.
2. The Deputy Commissioner (Tech.), Hqrs. Office, Shillong.
3. The P.A. to Commissioner of Customs, MER, Shillong.
4. All concerned Superintendents on deputation.
5. The A.C.A.O. (Accts.), Confdl. Br., Hq. Office, Shillong.
6. The General Secretary, Gr. 'B' Superintendents' Association, Customs & Central, Excise, Shillong.
7. Guard File.

C.No. 3597-97

Copy along with Seniority List forwarded to Sri M.K. Chakraborty, S. Dir. of Customs & Central Excise, Tinsukia for information & necessary action.

Administrative Officer
Customs & Central Excise
TINSUKIA

(D. THAKUR)
DEPUTY COMMISSIONER (P & V)
CUSTOMS & CENTRAL EXCISE: SHILLONG

SENIORITY LIST OF INSPECTORS (NOW SUPERINTENDENT) REVISED AS PER HON'BLE, C.A.T,
GUARANTY'S ORDER DATED 05-09-95 IN G.A. NO.241/91.

SL.NO.	NAME & DESIGNATION	DATE OF BIRTH	DATE OF APPTT. IN GOVT. SERVICE	DATE OF CONFIRMATION	DATE OF APPTT. AS INSPECTOR	WHETHER DR/PR	REMARKS
1.		3.	4.	5.	6.	7.	8.
	S/Shri						
1.	Indu Bhushan Goswami, Matric	01-01-35	22-12-55	06-06-84	22-01-71	PR	
2.	Nihar Rn. Laskar(SC), Matric	01-05-35	19-05-56	02-04-81	02-08-72	PR	
3.	Narinder Bhatnagar, Matric	01-06-38	06-04-57	06-05-84	02-08-72	PR	
4.	Kanwarpr Kr. Dhar, Matric	01-11-38	17-04-57	06-06-84	02-08-72	PR	
5.	Lukmanoy Deb, B.Com.	01-12-37	29-04-57	06-06-84	02-08-72	PR	
6.	Charles Syimong(ST), Matric	01-01-35	01-05-57	01-10-80	01-08-72	PR	
7.	Lunil Ch. Dhar, Matric	01-01-38	01-03-58	06-06-84	02-08-72	PR	
8.	Deepak Kr. Gupta Choudhury, Matric	01-08-39	07-03-58	06-06-84	02-08-72	PR	
9.	Indraswar Borkakati, I.A.	01-07-38	13-03-59	06-06-84	02-08-72	PR	
10.	Ananda Ch. Leka, Matric	01-03-34	14-10-58	06-06-84	02-08-72	PR	
11.	Ketaki Rn. Deb, Matric	01-10-39	14-10-58	06-06-84	02-08-72	PR	
12.	Ajoy Bhushan Sen Sharma, Matric	01-03-39	14-10-58	06-06-84	02-08-72	PR	
13.	Nirendra Bhushan Dam Roy, B.A.	09-01-38	02-05-59	19-06-85	02-08-72	PR	
14.	Ranjit Kar, Matric	28-02-37	05-05-59	29-01-76	14-08-72	PR	
15.	Bidhan Ch. Bhattacharjee, Matric	01-10-38	08-05-59	29-01-76	14-08-72	PR	
16.	Sumanta Kr. Bhattacharjee, B.A.	26-07-35	11-05-59	29-01-76	03-08-72	PR	
17.	Dakshina Rn. Nath, Matric	01-11-38	11-05-59	29-01-76	04-08-72	PR	

Contd..P/

Attended
by
Sd/-

1.	2.	3.	4.	5.	6.	7.	8.
S/Shri							
18. Sarat Kr. Baruah, B.A.		01-03-36	15-05-59	29-01-76	05-08-72	PR	
19. Jyotindra Nath Choudhury, Metric		01-04-37	04-02-56	29-01-76	02-08-72	PR	
20. Rabindra Nath Sonowal (ST), Metric		01-03-39	30-12-61	01-06-81	02-08-72	PR	
21. Winglo Nell War (ST), Metric		01-05-41	14-08-62	01-07-81	03-08-72	FR	
22. Jitendranath Baithori (ST), Metric		01-07-39	07-08-64	01-02-82	02-08-72	FR	
23. Suntheing Sungte (ST), Metric		01-03-41	30-10-61	01-02-82	03-08-72	FR	
24. Amarendra Debbarah (ST), Metric		11-01-35	10-07-62	01-02-82	02-08-72	FR	
25. Binanath Kachari (ST), Metric		01-04-40	10-08-62	01-02-82	02-08-72	FR	
26. Vangkhothang Singson (ST), Metric		01-06-41	01-02-62	01-09-83	02-08-72	FR	
27. Nishit An. Sen, Metric		01-01-40	04-01-60	29-01-76	02-08-72	FR	
28. Subodh An. Roy, Metric		01-05-33	11-01-60	29-01-76	03-08-72	PR	
29. Tarkeswar Borahain, Metric		01-06-37	11-01-60	29-01-76	03-08-72	FR	
30. Junabor Lahan, Metric		01-01-39	11-01-60	29-01-76	04-08-72	FR	
31. Nareswar Barua, Metric		01-03-42	13-01-60	29-01-76	03-08-72	PR	
32. Boloram Das (SC), Metric		01-07-48	10-10-60	01-01-80	04-08-72	FR	
33. Susther Kr. Chelua (ST), Metric		01-04-36	10-10-60	31-08-81	03-08-72	FR	
34. Jaynath Borgohain, Metric		01-04-41	07-04-61	29-01-76	02-08-72	PR	
35. Arun Kr. Bose, Metric		01-02-39	10-04-61	29-01-76	02-08-72	PR	
36. Sakti Bikash Roy, B.A./L.L.B.		07-11-41	24-03-62	29-01-76	02-08-72	FR	
37. Sachindra Kr. Paul, Metric		01-11-41	01-11-61	29-01-76	02-08-72	PR	
38. Chiribimal Das, Metric		01-10-37	02-01-57	29-01-76	02-08-72	PR	
39. Taresh Ch. Debnath, Metric		28-07-35	29-01-56	29-01-76	04-08-72	FR	
40. Nirmalendu Bhattacharjee, Metric		01-07-42	07-10-63	29-01-76	01-08-72	PR	

Contd...

Attested
by
Sarojati

1.	2.	3.	4.	5.	6.	7.	8.
S/SRL							
41. Manindra Kr. Chakraborty, Matric	01-03-40/	23-11-60	29-01-76	02-08-72	PR		
42. Prabir Kr. Bol, Matric	01-05-55	18-07-55	29-01-76	02-08-72	PR		
43. Dharendra Kr. Bhattacharjee, Matric	01-02-55	07-09-61	29-01-76	02-08-72	PR		
44. Prabhananda Sharma, Matric	01-03-39/	29-06-63	29-01-76	02-08-72	PR		
45. Gouranga Ch. Chatterjee, Matric	01-01-39/	30-09-63	07-04-76	02-08-72	PR		
46. Motilal Dey, Matric	01-10-42	20-07-64	01-07-76	03-08-72	PR		
47. Pranab Kr. Deb, B. A.	02-01-40/	01-08-64	01-08-76	02-08-72	PR		
48. Tuleswar Hazarika (SC), Matric	01-01-39/	12-01-50	31-12-81	28-01-72	PR		
49. Promotha Banikya, (SC), Matric	01-05-54	09-08-54	05-06-84	18-01-72	PR		
50. Bibhash Rn. Das, Matric	01-10-55	18-04-57	01-02-77	03-08-72	PR		
51. Lalit Kr. Hazarika, Matric	01-03-35	13-01-60	02-02-72	04-08-72	PR		
52. Ananta Ch. Borah, (ST), Matric	01-02-41	13-08-62	01-11-83	02-08-72	PR		
53. G. Nongbet (ST), B. A.	01-01-38	02-02-62	30-04-81	20-07-79	PR		
54. R. K. Lashkar, (SC), Matric	01-10-58	30-04-57	24-12-75	24-12-73	PR		
55. Bijoy Kr. Roy, B. Sc.	24-04-51	02-05-72	12-06-77	29-09-75	DR		
56. Nirupam Kar, B. Com.	01-01-51	12-10-70	12-06-77	29-09-75	DR		
57. F. D. Rynjah (ST), B. A.	08-02-47	05-08-71	01-12-83	19-09-75	DR		
58. Ms. Anupama Devi, B. A.	15-09-36	01-10-55	07-06-77	08-09-75	PR		
59. Alysuiys Vanlalduha (ST), B.A.	01-03-51	13-09-75	31-10-77	23-09-75	DR		
60. N. K. Bhattacharjee, B. Sc.	30-11-51	29-03-72	31-10-77	26-09-75	DR		
61. Dwipendra Mohan Bannerjee, B. A.	16-08-41	01-10-63	01-11-77	01-10-75	DR		
62. Swaraj Kr. Roy, Matric	31-07-33	01-12-62	22-09-77	29-09-75	PR		

Cpntd...P/4.

*Placed
in
advocate*

1.	2.	3.	4.	5.	6.	7.	8.
S/SHRI							
63. Ranju Kr. Chakraborty, B.A.	20-10-51	29-01-70	01-12-77	23-09-75	DR		
64. Jiten Krishna Paul, B. Sc.	30-01-50	15-01-75	01-12-77	15-10-75	DR		
65. Debaprasad Das, B. Sc.	15-02-52	25-09-71	31-12-77	22-09-75	DR		
66. Ms. R. B. Passah, (ST), B.A.	31-07-41	07-08-62	14-12-77	11-09-75	FR		
67. Mrinal Kanti Chanda, B. A.	01-05-50	28-10-70	01-02-78	18-09-75	DR		
68. Gopinath Dutta, B.A.	04-09-50	28-10-70	01-02-78	18-09-75	DR		
69. Krishna Bahadur Bhujel, B. A.	31-01-50	25-09-75	01-02-78	25-09-75	DR		
70. Rabindra Ch. Laskar, (SC), B.A.	01-09-34	01-09-66	01-01-84	25-09-75	PR		
71. Limbeswar Borah, B. Sc.	01-01-50	01-10-75	01-02-78	01-10-75	DR		
72. Bikash Ranjan Deb Roy, B.Sc.	05-03-53	01-10-75	01-03-78	01-10-75	DR		
73. Nazarul Islam, B. Sc.	01-09-51	01-09-75	01-03-78	23-09-75	DR		
74. Anjan Kanti Panait, P. U.	01-03-48	30-07-66	01-02-78	27-09-75	FR		
75. Tridibeswar Nath, B. Sc.	25-12-53	23-09-75	01-03-78	23-09-75	DR		
76. Md. Anwar Hussain, B. Sc.	11-09-51	20-09-75	01-03-78	20-09-75	DR		
77. Dipendu Kr. Deb Choudhury, B. Com.	01-04-39	30-03-72	01-02-78	13-09-75	PR		
78. Anjan Kanti Roy, P. U.	01-09-45	25-01-65	28-02-78	20-10-75	PR		
79. Ms. Pratima Rani Ghosh, B. A.	06-04-40	24-11-60	01-03-78	29-09-75	FR		
80. Subodh Ch. Deb Nath, Matric	01-05-34	11-04-61	01-03-78	19-09-75	PR		
81. Kshitish Ch. Das, B. A.	04-11-41	01-07-61	01-05-78	25-09-75	PR		
82. Samir Ch. Adhikary, B. Com.	18-05-40	25-10-60	01-12-78	24-07-75	PR		
83. L. S. Vanchanwang, (ST), B.A.	23-12-51	22-07-76	01-04-78	22-07-76	DR		
84. Biswajit Sarker, B. Sc.	01-01-55	02-08-76	01-04-78	02-08-76	DR		
85. Subir Kr. Chakraborty,	01-02-52	24-07-76	01-06-78	24-07-76	DR		
86. Sibapada Chakraborty, B. A.	05-08-50	20-03-72	01-07-78	28-07-76	PR		

Contd...#5..

Attested
Secy.
Adm. cell

1. 2. 3. 4. 5. 6. 7. 8.

S/SHRI

87. I. S. Furkayastha(I), B. Sc.	14-07-55	02-08-76	01-08-78	02-08-76	DR
88. Ranjit Kumar Dutta(I), B. Sc.	10-08-51	26-07-76	01-09-78	26-07-76	DR
89. Indrajit Guha, B. Sc.	07-05-56	27-07-76	01-10-78	27-07-76	DR
90. Asmita Chandra Suklabaidya(SC), Matric	01-10-40	20-04-81	28-05-79	05-11-76	FR
91. Mitava Hore, B. Com.	31-07-53	23-07-76	01-10-78	23-07-76	DR
92. Bhijit Das Gupta, B. Sc.	12-01-55	26-07-76	01-12-78	26-07-76	DR
93. Bijan Bandhu Adhikary, B. Com.	22-11-53	07-06-74	20-05-79	26-07-76	DR
94. Sopendra Ch. Paul, B. A.	01-01-47	12-08-71	28-05-79	30-07-76	FR
95. Pradip Kr. Das(I), B. Sc.	01-05-55	02-08-76	28-05-79	02-08-76	DR
96. Ranjan Kr. Goswami, B. Com.	07-06-54	23-07-76	28-05-79	23-07-76	FR
97. B. R. Deb, B. Sc.	28-08-52	24-07-76	28-05-79	24-07-76	DR
98. Brangan B. Chattacharjee, Matric.	15-05-51	04-01-71	20-05-79	17-11-76	FR
99. Dyokta Kr. Sharma, B. Sc.	21-01-54	29-07-76	28-05-79	29-07-76	DR
100. Ramen Gogoi, B. Sc.	01-01-55	24-07-76	28-05-79	24-07-76	DR
101. Hish Bijoy Dutta, B. Sc.	01-07-53	21-07-76	28-05-79	21-07-76	DR
102. Ranjit Kr. Bhattacharjee, P. U.	01-04-44	19-01-55	28-05-79	19-12-76	FR
103. Ekhar Kr. Bose, B. A.	04-08-54	30-07-76	28-05-79	30-07-76	DR
104. Bip Kr. Nath, B. A.	11-07-52	02-08-76	28-05-79	02-08-76	DR
105. Shyamaschi Paul, B. Sc.	02-04-54	29-07-76	28-05-79	29-07-76	DR
106. Antosh Banik, Matric	01-02-41	01-11-51	28-05-79	19-11-76	FR
107. Ran Ch. Mohan, B. A.	20-09-52	31-07-76	23-05-79	31-07-76	DR

Assistant
Law
Advocate

1.	2.	3.	4.	5.	6.	7.	8.
S/SHRI							
107. Chiranjib Madhab Chakraborty, B.Sc.	26-12-51	26-07-76	28-05-79	26-07-76	DR		
108. T. S. Sarkar, B. Sc.	02-05-55	27-07-76	28-05-79	27-07-76	DR		
109. Atul Ch. Das, Matric	01-07-39	02-11-61	28-05-79	29-10-76	PR		
110. Himangshu Ranjan Das, B. A.	16-03-51	13-07-76	28-05-79	13-07-76	DR		
111. Narayan Lr. Chakraborty, B.Com.	01-03-44	01-03-62	28-05-79	02-08-76	DR		
112. Lubinay Bhownick, B. A.	23-01-54	26-07-76	28-05-79	26-07-76	DR		
113. Parimal Ch. Kar, Matric	04-06-45	25-01-65	28-05-79	02-08-76	PR		
114. Md. Khurshed Ahmed, B. A.	01-03-52	30-07-76	28-06-79	30-07-76	DR		
115. Pradip Kr. Das, (No.2.), B. Sc.	01-03-48	06-02-79	28-05-79	30-07-76	DR		
116. Pranab Bhattacharjee, B. Sc.	14-02-52	29-07-76	28-05-79	29-07-76	LR		
117. Ranjit Kr. Saldya, (SC), B.A.	01-04-49	26-02-76	28-05-79	26-07-76	PR		
118. Pranab Sharma, B. Sc.	01-03-56	29-07-75	28-05-79	29-07-76	DR		
119. Uttam Kr. Das, M. A.	19-12-53	29-07-76	28-05-79	29-07-76	LR		
120. Biman Dhar, B. Sc.	27-10-53	31-07-76	28-05-79	31-07-76	DR		
121. Asanta Borah, (ST), B. Sc.	01-05-46	30-03-72	28-05-79	29-07-76	PR		
122. Bireswar Paul, B. Com.	23-01-53	28-07-75	28-05-79	02-08-76	DR		
123. Pranabendu Bikash Nag, B. A.	25-10-52	26-07-76	28-05-79	26-07-76	DR		
124. Gopal Krishna Sharma Boral, H.S.L.C.	09-01-48	15-02-72	28-05-79	29-10-76	PR		
125. Mohan Ch. Hazarika, (SC), Matric	01-04-46	20-01-65	28-05-79	28-10-76	PR		
126. Sunil Ch. Bhowal, B. A.	10-01-39	12-04-61	28-05-79	30-10-76	PR		
127. Dharendra Ch. Biswas, Matric	01-03-39	13-02-62	28-05-79	30-10-76	PR		
128. Nipendra Ch. Das, Matric	31-12-42	29-05-62	01-06-79	29-10-76	PR		
129. Harindra Suklebaidya, (SC), B.A.	09-03-46	24-03-72	01-08-79	26-07-76	PR		

Attested
for
Advocate

1.	2.	3.	4.	5.	6.	7.	8.
S/SHRI							
130. Bijoy Krishna Deb, I. A.	01-02-39	14-02-62	01-09-79	13-11-76	FR		
131. R. Suvar Singh, Metric	01-07-35	28-05-57	01-10-80	26-10-76	PR		
132. Sujat Kr. Das, (SC), B.A.	02-02-53	20-01-77	28-05-79	28-01-77	DR		
133. Dipak K. Majumder, B.Sc.	23-01-51	27-01-77	28-05-79	27-01-77	DR		
134. Ajoy Kr. Dutta, B.Sc.	11-02-53	27-01-77	28-05-79	27-01-77	DR		
135. Nripendra Lal Roy, B.A.	01-09-45	20-01-55	01-06-79	28-01-77	DR		
136. Pallesh Kr. Sinha Choudhury, B.Sc.	01-02-51	20-01-77	01-06-79	20-01-77	DR		
137. Indraker Ali Kalia, B.Sc.	07-05-57	27-01-77	01-06-79	27-01-77	DR		
138. Nibash Kanti Barman, B.A.	08-02-51	28-01-77	01-08-79	28-01-77	DR		
139. Tushar Kafi, B.A.	01-11-53	29-01-77	01-01-80	29-01-77	DR		
140. Arun Kr. Dutta, B.A.	27-03-54	27-01-77	01-01-80	27-01-77	DR		
141. Rameswar Bhattacharjee, B.Sc.	27-01-53	22-01-77	01-01-80	22-01-77	DR		
142. Nikhil Kr. Nath, B.Sc.	17-01-51	19-09-77	01-01-80	19-09-77	DR		
143. Holoy Kanti Bose, B.Sc.	17-10-51	19-01-77	24-11-80	19-07-77	DR		
144. Ashoke Kr. Choudhury, B.A.	01-06-53	19-09-77	13-12-80	19-09-77	DR		
145. Subodh Dhar, (SC), B.Com.	27-06-54	17-09-77	13-12-80	17-09-77	DR		
146. Conference Ngmlai, (ST), B.A.	28-02-50	02-08-76	13-12-80	02-08-76	DR		
147. Kishlay Das, B.A.	19-03-53	04-10-78	13-12-80	04-10-78	DR		
148. Md. Joynal Abedin, B.Sc.	28-01-53	02-01-79	02-04-81	02-01-79	DR		
149. Amitabha Bhattacharjee, (No.1), B.Sc.	01-03-55	25-09-78	13-12-80	25-09-78	DR		
150. Md. Ehsanul Karim, (ST), B.A.	31-03-59	04-08-62	23-11-80	22-11-78	DR		
151. Alok Chatterjee, B.Sc.	01-04-56	04-10-78	13-12-80	04-10-78	DR		
152. Pranab Sikdar, B.Sc.	24-04-51	12-10-78	13-12-80	12-10-78	DR		

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Shri. A. K. Chatterjee

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153. Bidyut Kr. Bannerjee, B.Sc.	26-02-56	30-09-78	13-12-80	30-09-78	DR
154. Gopal Ch. Sarkar (SC), I.A.	22-11-59	16-01-65	24-11-80	23-11-78	FR
155. Sudhakar Ch. Das, B.Sc.	31-03-52	25-11-78	13-12-80	25-11-78	DR
156. Ramakrishna Ch. Das, B.Sc.	01-01-54	09-10-75	13-12-80	03-10-78	DR
157. Masterwell Ch. Das (ST), B.Com.	24-02-54	30-09-78	13-12-80	30-09-78	DR
158. Agnurem Das (SC), Matric	01-10-43	25-01-65	13-12-80	12-12-78	FR
159. Asalek Das (SC), B.A.	20-02-53	17-11-75	13-12-80	22-09-78	DR
160. Chandiram Saikia (SC), B.Sc.	20-11-46	30-09-78	13-12-80	30-09-78	DR
161. John A.A. Diangoch (ST), B.Sc.	28-02-50	04-10-78	13-12-80	04-10-78	DR
162. Jagdish Ch. Das, (No. 1), B.A.	25-06-52	21-07-74	13-12-80	20-11-78	FR
163. Pranab Kr. Baruah (ST), B.Sc.	05-09-53	03-10-78	13-12-80	03-10-78	DR
164. R. Lingurumba (ST), B.A.	31-03-57	03-10-78	13-12-80	03-10-78	DR
165. Uttal Kr. Das (ST), B.A.	01-12-52	30-10-78	13-12-80	30-10-78	DR
166. Langshi Ram Boro (ST), Matric	01-02-44	25-01-65	13-12-80	25-11-78	FR
167. Sashidhar Pegu, (ST), B.A.	01-09-43	04-10-78	13-12-80	04-10-78	DR
168. Dhanendra Nath Bora, (ST), B.Sc.	01-05-48	04-10-78	13-12-80	04-10-78	DR
169. Birendra Ch. Patir, (ST), B.A.	01-12-53	21-01-76	13-12-80	03-10-78	DR
170. Kshitish Ch. Sarkar, Matric	05-07-45	25-01-65	13-12-80	27-11-78	FR
171. Alexander Lywait, (ST), B.Sc.	01-02-55	29-09-78	13-12-80	29-09-78	DR
172. Chander Shullai, (ST), B.A.	19-12-49	13-11-78	01-04-81	13-11-78	DR
173. Kailash Kr. Taneja, M.Sc.	09-01-55	08-03-79	01-04-81	08-03-79	DR
174. Rajendra Ch. Das, Matric	01-07-44	23-01-65	10-10-81	29-11-78	FR
175. Rupnath Pegu, (ST), B.A.	01-05-51	03-10-78	02-04-81	03-10-78	DR
176. Rempresad Das, (SC), Matric	01-10-41	21-01-65	13-12-80	22-11-78	FR

Contd. ... P/9. ...

118

Altered
for Advo cat

1.	2.	3.	4.	5.	6.	7.	8.
S/Shri							
177. Fransy Kanti Deb, B.Com.	26-01-54	12-06-74	13-12-80	24-11-78	FR		
178. Kansk Ch. Jodai, B.A.	01-03-45	23-01-55	02-04-81	30-11-78	FR		
179. Rathindra Ch. Jay, B.Sc.	01-09-48	28-02-73	30-03-81	28-03-79	PR		
180. Jatinara Nath Baruah, B.Sc.	01-02-35	08-02-62	01-10-81	22-11-78	PR		
181. Debasish Chattopadhyay, B.A.	01-03-55	25-04-79	10-09-81	25-01-79	DR		
182. Suchir Ranjan Choudhury, B.Sc.	21-04-39	03-02-79	01-10-81	03-02-79	DR		
183. Braja Gopal Mandal, B.Sc.	21-09-52	27-03-79	01-10-81	27-03-79	DR		
184. Abhiram Das, (SC), B.Sc.	01-02-40	25-07-64	10-09-81	20-02-79	FR		
185. Kalpana Kachari, (SC), B.Sc.	02-08-47	01-02-55	10-09-81	10-09-79	FR		
186. Samindra Nath, B.A.	01-11-44	25-01-65	10-09-81	07-09-79	PR		
187. Gopal Ch. Paul, B.Sc.	01-04-45	23-01-65	10-09-81	19-09-79	RR		
188. Saur Chakraborty, B.Sc.	12-02-48	04-04-6	19-09-81	10-09-79	FR		
189. Siba Pada Naog, B.A.	29-08-52	22-07-76	10-10-81	22-07-76	DR		
190. Harindra Ch. Dhar, B.Sc.	01-03-44	22-01-55	01-10-81	06-09-79	FR		
191. Sudip Deb, B.Sc.	15-03-54	07-03-80	01-10-81	07-03-80	DR		
192. Swapan Kr. Roy (SC), B.A.	16-03-51	10-11-80	01-10-81	10-11-80	DR		
193. Chalanau Hauzel (ST), B.A.	01-03-54	06-03-80	01-12-82	06-03-80	DR		
194. Binolendu Deb, B.S.L.C.	15-11-52	23-10-70	01-10-81	25-10-80	PR		
195. Gopendralal Sutradhar (SC)	01-04-35	05-12-56	01-12-82	25-04-80	DR		
196. Narendra Ch. Katak, B.Sc.	08-04-50	28-10-70	01-10-81	28-10-80	DR		
197. Bababrata Paul, B.Com.	28-11-49	28-10-70	01-10-81	23-10-80	PR		
198. Gouranga Ch. Barker, B.Sc.	25-11-44	28-10-70	01-10-81	29-10-80	FR		
199. Nani Gopal Sen (SC), B.A.	28-08-48	28-10-70	01-10-81	26-10-80	FR		
200. Babendra Ch. Das (SC), B.A.	01-07-45	25-01-55	01-08-82	29-11-78	PR		

Placed
for
Admission

107

VERIFICATION

I, Nani Gopal Sen, S/o Makhan Lal Sen aged about 58 years, working as Superintendent, Group B, Customs Division, Agartala, and applicant in the O.A. no. 446/2001, do hereby verify that the statements made in Paragraph 1 and 2 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 4th day of May, 2002.

Nani Gopal Sen