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5
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/TTA No. 475/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 475 /2001

Applicant(s) :- N. K. Sarker

Respondent(s) :- U.O. I. Toms

Advocate for the Applicant :- M. Chander, Mrs. N. D. Goswami
Mr. G. N. Chatterjee

Advocate for the Respondent:- CGSC.

Notes of the Registry	Date	Order of the Tribunal	
This application is from C. R. No. 50/- deposited via RTI No. 66790240. Dated 29.11.2001.	19.12.01	Heard Mr. M. Chanda, learned counsel for the applicant. The application is admitted. Call for the records. List on 21.1.2002 for order.	<u>IC Usha</u> Member Vice-Chairman
Sleep taken. Notice is prepared and sent to RTI for my 1st Respondent No. 1 to 5 As Regd A.C.	21.1.02	Await service report. List on 11.2.2002 for order.	<u>IC Usha</u> Member Vice-Chairman
DINo 391643 Dtd 21/1/02	mb		
① Service report are still awaited.	11.2.02	List on 18.3.2002 to enable the respondents to file written statement.	<u>IC Usha</u> Member Vice-Chairman
② Service report are still awaited.	mb		
	18.10.2		
	8.2.02		

N.B. written statement
has been filed.

ZS
15.3.02.

18.3.02 It has been stated by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents that written statement has already been filed. Office to verify and report by tomorrow.

List on 19.3.2002 for order.

Mr. Datta, desh.
P.L. copy by order
dated (18/3) 2002.

WS
18/3/02

K. I. Khan
Member

Vice-Chairman

mb
19.3.02 Written statement has been filed.

Let the matter be listed for hearing
on 22.4.2002. The applicant may file
rejoinder, if any, within ~~for~~ two weeks
from today.

18.3.2002

W.P. submitted
by the learned Counsel
for Sr. C.G.S.C. A. Deb Roy
on behalf of Respondents
on 18.3.2002 at
12.30 P.M.

Member

Vice-Chairman

List on 23.5.2002 for hearing.

P.D.
18/3

23/5. Let it before the
court sitting at
Challang.

Mr.
A. Deb Roy
23/5

23.4.2002

Rejoinder submitted
by the applicants in reply
to the W.P. submitted by the
Respondents.

Q

11.6.02 List on 27.6.2002 to enable the learned Govt. Advocate, Manipur to produce the connected records of disciplinary proceeding.

K. I. Khan

trd

Vice-Chairman

3/100

3

OA 47/2002

Notes of the Registry	Date	Order of the Tribunal
	16/7/2002	Heard Mr. M. Chanda, learned Counsel for the applicant & Mr. A. Dey, learned solicitor for the respondent. Hearing Concluded, Judgment reserved. M/o A.R. Fazal 16/7/2002
Received copy of the order dated 30/07/02 Blibbitt 20/6/2002	30.7.02	Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.
Notes of the Registry order dtd 30/7/02 communicated to the parties concerned and the applicant	Date mb	K. I. Chatterjee Member Vice-Chairman
Notes of the Registry	Date	Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~A.~~ No. 475 of 2001

DATE OF DECISION. 30-7-2002.

Mr. N.K. Sinha

APPLICANT(S)

**Mr. M. Chanda, Mr. G. N. Chakraborty,
Mrs. N. D. Goswami.**

ADVOCATE FOR THE APPLICANT(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D. N. CHOUDHURY, 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 ..

ICWShay Judgment delivered by Hon'ble K. K. SHARMA, ADMINISTRATIVE MEMBER

2

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.475 of 2001

Date of Order: This the 30th Day of July 2002

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

**1. Sri Navendu Kumar Sinha
Son of Sri Bimalendu Kumar Sinha
Circle Organiser, SSB
Balat Circle, Balat
District East Khasi Hills
Meghalaya**

By Advocate Mr. M.Chanda, Mrs.N.D.Goswami, Mr.G.N.Chakraborty.

- Vs -

- 1. Union of India, Represented by the Secretary to the
Government of India,
Ministry of Home Affairs
New Delhi.**
- 2. The Principal Director,
Directorate General of Security,
Office of the Director, SSB,
East Block V
R.K. Puram
New Delhi-110066.**
- 3. The Joint Deputy Director(EA)
Office of the Director, SSB
R.K. Puram.
New Delhi-110066**
- 4. The Divisional Organiser
S.S.B, Shillong Division
A.P. Secretariat Building
Shillong-793001
Meghalaya.**
- 5. The area Organiser(Admn)
S.S.B, Shillong Division
Shillong-1
Meghalaya. Respondents.**

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

O_R_D_E_R.

MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

**is
The subject matter of this O.A./denial of
promotion to the applicant to the post of Sub Area
Organiser(SAO). The applicant has challenged the impugned**

IC (U) Shaha

contd/-2

Memos No. SD/GE/A-73/PF/4684 dated 29.4.1999(Annexure X) and Memo No.14/SSB/A-2/91(74)II/387 dated 31.1.2001 (Annexure XIII). The applicant was denied the promotion in the following circumstances.

2. The applicant joined service as Circle Organiser at Krishnagar Circle under South Bengal Division. At present the applicant is posted as Circle Organiser at Balat in East Khasi Hills, Meghalaya. The next higher post is the post of Sub Area Organiser(SAO) which is a selection post. The selection for promotion to the post of SAO is on the basis of selection cum merit. The Directorate of SSB issued promotion order dated 10.07.1998 in which the name of the applicant was not included while his juniors namely, Sri Nutan Kumar Kandpal, Sri Kuldeep Singh, Sri Rajen Chetia were promoted. Being aggrieved for non-consideration of his case for promotion the applicant submitted one representation on 25.8.1998. The applicant was communicated the following adverse remark in the ACR for the year 1996-1997 :

"In Section 4 o your ACT for the year 1996-97 you have been adjudged as 'good' in General Intelligence, Judgment, capacity in oral and written expression, Analytical ability, personality and bearing, loyalty, Moral Character and Public Relations. In the summing up- you have also been assessed as an "Young, smart and educated circle Organiser". Despite these good qualities, you are advised to improve your professional ability and avoid casual attitude while dealing with official matters.

The above remarks are being communicated to you, with the sole aim to bring improvement in your shortcomings. However, if you wish to submit any representation against this communication, you can do so within 30 days from the date of receipt of this Memo."

The applicant submitted representation on 18.9.98 which was followed by the reminders on 7.9.98 and dated 7.10.98. The applicant's representation for expunction of

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contd/-

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adverse remarks was rejected on 28/30.9.1998 and 15.10.98 (Annexures VII and VIII of this O.A.). Both the memos are as follows :-

"I have carefully perused the representation of Shri N.K.Sinha, C.O. dated 19.9.98 against the adverse remarks in his ACR for the year 1996-97 communicated to him vide our Confidential Memo No. 536 dated 24.7.98.

The office has given a month wise account of activities undertaken by him during the relevant period and he has made a mention of various tasks assigned to these tasks assigned to him by the A.O./Commandant/Div.Hqrs. He claims that all crity & with the best of his abilities. While giving illustrations of his professional capability, he has also brought in some irrelevant matters like his endeavours to persuade a particular VIP to be a Chief Guest for an MPC. He has, in the process, mentioned the most mundane things done by him and thereby provided all the justification to the undersigned to retain the adverse observations about his professionalism and attitude.

The adverse remarks entered in the concerned ACR or of an advisory nature and should be taken in the right spirit. While supervising this officers' work, I had come accross several instances of his casual approach towards his mature lately, these remarks remain relevant to the period for which the ACR was written and therefore, shall remain unchanged."

Annexure VIII.

Extract of SSB Dte's Memo No.14/SSB/A2/91(74)-11/4354 dated 9.10.98 regarding submission of Application of Shri N.K.Sinha, CO for information.

2. In this connection, it is intimated that the promotion of Shri N.K.Sinha, Circle Organiser was considered by the DPC alongwith others but Shri Sinha could not make the gradand as such was not approved for promotion by the DPC Shri Sinha may please be informed accordingly.

3. This was the approval of Director SSB. The applicant was issued another Memo dated 25.4.99 informing that the applicant had exerted political pressure for furthering his interest. The applicant made representation against the aforementioned memo on 3.7.2000 and also appealed to the Director General, SSB, New Delhi on 18.6.2001. The

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contd/-4

request of the applicant was rejected vide Memo dated 15.10.01. It is stated that the adverse remarks in the ACR for the year 1996-97 were communicated on 2.9.98 which was after the meeting of the DPC on 13.2.98. The adverse remarks were/communicated not within a period of 1 month of their being recorded. It is claimed that the Benchmark of promotion for all Group 'C', Group 'B' and Group 'A' posts is 'Good'. If the adverse remarks of the ACR for the year 1996-97 are ignored, which are advisory in nature the applicant would be eligible for promotion.

3. Mr.M.Chanda learned counsel appeared on behalf of the applicant. Mr.M.Chanda learned counsel filed rejoinder on 16.7.2002 informing that the applicant was also awarded adverse remarks for the year 1992-93 by Memorandum dated 17.5.94 as under :-

"The Officer needs more supervision and a little more guidance. He also lacks motivation although he is otherwise quite intelligent and well educated."

However, on representation made by the applicant the authority was pleased to expunge the adverse remarks for the year 1992-93. By Memo dated 14.6.1994 the adverse remarks for the year 1993-94 were communicated, which are reproduced below:-

"Inspite of the Officer's academic qualification he is found medicore workwise. A Circle Organiser who seems to have enough basic intelligence and education as well as adequate training for the job but sadly lacks the dedication and will to make his mark as a dedicated soldier of the SSB. Perhaps his list of priorities needs a second look."

In the rejoinder it is stated that as the adverse remarks for the year 1993-94 were advisory in nature no representation was made. Mr.M.Chanda stated that the adverse remarks for the year 1996-97 should be ignored the applicant given promotion.

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contd/-

4. The respondents have filed their written statement and were represented by Mr.A.Deb Roy, Sr.C.G.S.C. It is stated that the DPC was convened on 13.2.98 for the post of SAO. The applicant was considered but was graded as unfit for promotion to the post of SAO though the bench mark was prescribed 'Good' by selection cum merit method. The officers are graded as good, average and unfit and those officers who obtained the grading 'Good' are included to the panel. The representation of the applicant against the adverse remarks was duly considered by the competent authority and was rejected. The representation against denial of promotion was duly considered by the competent authority and rejected on the ground that he could not meet the grade. The service record was considered as per the rules by the DPC. The applicant was time and again issued memorandum for improving his way of functioning and professional skills, but the applicant failed to improve. The applicant did not have satisfactory record for minimum period that was considered by the DPC. The DPC considered the record for five years from 1992-93 to 1996-97 alongwith other eligible candidates. The applicant was unfit based on the service records of the preceding five years. The juniors of the applicant were recommended as fit for promotion by the DPC. The applicant was considered by the DPC but he was found unfit for promotion. The respondents also produced the records of the DPC which was held on 13.2.98 as well as ACR of the applicant.

5. We have considered the submission made on behalf of the parties and also perused the Annexures filed with the application and written statement and also perused the records produced by the respondents. It was stated on behalf

IC WShen

contd/-

of the applicant that for the year 1992-93 he was communicated with adverse remark, but the adverse remark was expunged on representation made by the applicant. For the year 1993-94 the applicant was also given the adverse remark against which he did not represent. The applicant made representation against the adverse remarks for the years 1992-93, 1996-97. It is seen that the remarks for the year 1993-94 and 1996-97 are similar in nature. In the ACR for the year 1993-94 the applicant was found to be adequate. In the year 1996-97 the applicant was advised to avoid casual attitude in his work. The adverse remarks are identical in nature. The applicant has considered the remark in the year 1993-94 as advisory in nature. The record shows that the applicant was issued several memorandums. The representation of the applicant have been duly considered. Having perused the material and record placed before us, no illegality, arbitrariness for malafide is found in the impugned orders. We do not find any irregularity in the proceedings of the DPC. We do not find any unfairness or bias in the proceedings of the DPC. From time to time, the applicant has been advised to improve his performance. We do not find any merit of this application and the same is dismissed. There shall however, no order as to costs.

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

D.N.CHOUDHURY
VICE-CHAIRMAN

13
Filed by the applicant
Prakash M. Chakraborty
Advocate
15-7-2002
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

IN THE MATTER OF :

O.A. No. 475 / 2001.

Sri Navendu Kumar Sinha

- Vs -

Union of India & Others

- And -

IN THE MATTER OF :

An Additional rejoinder submitted
by the applicant.

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

1. That it is stated that your applicant had received two communications relating to his ACR for the period from 1-4-92 to 5-2-93 and also for the period from 1-4-93 to 31-3-94 vide Memorandum bearing No. X/3/SB/ACR/93-94/38 dated 17th May 1994 and No. X/3/SB/ACR/93-94/44 dated ~~15~~ 14th June, 1994. The applicant, however, made a representation dated 17 May 1994 but no representation is made against the memorandum dated 14th June 1994, however, the authority after considering his representation dated 4-6-94 was pleased to expunged the adverse remarks for the period from 1-4-92 to 5-2-93 vide Memorandum No. VIII/383/GCK/92(PA)/349 dated

M

(2)

8-8-94.

Copy of the Memorandum dated 17-5-94, 14-6-94 and Memorandum dated 8-8-94 are enclosed as Annexures-8,9 and 10 respectively.

2. That your applicant further begs to state that mere reading of the communication dated 14-6-94 issued by the Deputy Inspector General, it appears that an overall assessment of ACR for the period from 1-4-93 to 31-3-94, the grading of the applicant has been considered as " Adequate ", however, there is an observation that the applicant is found as Mediocre workwise and also observed that the applicant lacks the dedication and will to mark as a dedicated soldier for the SSB. It is further observed that perhaps applicant's list of priorities needs a second look.

After the aforesaid observation the above mentioned remark communicated to the applicant to enable him to overcome the defects/shortcomings with the intention to further improve his performance, therefore, the above observation in ACR which is communicated vide Memorandum dated 14-6-94 and termed the same as adverse remark in fact the said observation cannot be treated as adverse remark and the applicant took it as a piece of valuable advice and started hard working to improve his performance. Therefore the communication dated 14-6-94 cannot be treated as adverse remarks and the

contd...p/3

(3)

same should not stand on the way of promotion of the applicant to the cadre of Sub- Area Organiser.

3. That it is stated that the very object of the ACR to point of if there is any deficiency or shortcomings in the performance of the employee concerned and such advice should be tendered to the said employee to enable him to improve his performance but the said advice for improvement of performance cannot be construed as adverse remark.

In the circumstances stated above the application deserves to be allowed with cost.

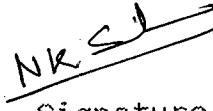
Verification...

(4)

VERIFICATION

I, Shri Navendu Kumar Sinha S/o Shri Bimalendu Kumar Sinha aged about 37 years, working as Circle Organizer, Special Service Bureau, Balat, East Khasi Hills, Meghalaya, do hereby verify that the statements made in Paragraph 1 to ~~3 and 6 to 10~~ 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 the 16th day of ~~xxxxxx~~ July, 2002.


Signature

Navendu Kumar Sinha

No. X/3/SB/ACR/93-94/246
 Directorate General of Security
 Office of the Divisional Organiser
 SSB South Bengal Division
 No.1 Hazi Md. Mahsin Square
 Calcutta-16

Dated 17th May '94

Memorandum

In your ACR for the period from 1.4.92 to 5.2.93 you have been assessed "Adequate" in overall grading. But the following adverse remarks have also been recorded in your ACR :-

- 1. The officer needs more supervision and a little more guidance. He also lacks motivation although he is otherwise quite intelligent and well-educated.
- 2. The above mentioned remarks are being communicated to you to enable you to overcome the defects/shortcomings in your performance and to further improve your performance.
- 3. In case you wish to make any representation against the above remarks, you may do so within 30 days from the date of receipt of this Memorandum.
- 4. This Memorandum is being sent to you in duplicate. The duplicate copy duly signed and dated may please be returned to this office.

Ch. A. K. Abrol
 17/5/94
 (A. K. Abrol)
 Dy. Inspector General

Shri Navendu Kumar Sinha
 Circle Organiser
 Group Centre Krishnanagar

Duplicate copy

Confidential

No.X/3/SB/ACR/93-94/44
 Directorate General of Security
 Office of the Divisional Organiser
 SSB, South Bengal Division
 No.1 Hazi Md. Mahsin Square
 Calcutta-16

Dated 14th June '94

Memorandum

In your ACR for the period from 1.4.93 to 31.3.94 you have been assessed "Adequate" in overall grading. But the following adverse remarks have also been recorded in your ACR :-

" Inspite of the Officer's academic qualification he is found mediocre workwise. A Circle Organiser who seems to have enough basic intelligence and education as well as adequate training for the job but sadly lacks the dedication and will to make his mark as a dedicated soldier of the SSB. Perhaps his list of priorities needs a second look."

The above mentioned remarks are being communicated to you to enable you to overcome the defects/shortcomings in your performance and to further improve your performance.

3. In case you wish to make any representation against the above remarks, you may do so within 30 days from the date of receipt of this Memorandum.
4. This Memorandum is being sent to you in duplicate. The duplicate copy duly signed and dated may please be returned to this office.

QF/6-1
 14/6/94
 (A.K. Abrol)
 Dy. Inspector General

Shri Navendu Kumar Sinha
 Circle Organiser
Group Centre Krishnanagar

Confidential

No.VIII/383/GCK/92(pa)/349

Directorate General of Security,

Office of the Commandant

Group Centre SSB Krishnanagar,

PO : Krishnanagar (PIN: 741101)

Dist : Nadia (West Bengal)

Dated, the 8th Aug, 1994

MEMORANDUM

Reference your representation dated 4.6.94 requesting for expungement of adverse remarks incorporated in your ACR for the period from 1.4.92 to 5.2.93.

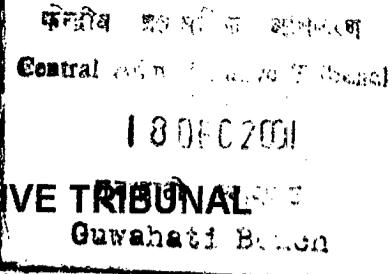
2. After careful examination of representation and connected documents, Divisional Organiser, SB Division has expunged the adverse remarks from your ACR for 1.4.92 to 5.2.93 as communicated to this office vide Memo No. X/3/SB/ACR/VKS/92-93-94/60 dated 26th/28th. July '94.

G.O.

(H.L.JOSHI
CC SSB KRISHNAGAR

Shri R.K. Sinha,
Circle Organiser,
Krishnanagar

10/8/94
To
R.K. Sinha
Circle Organiser
Krishnanagar



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. 475 /2001

Sri Navendu Kumar Sinha :Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Date 5.12.2001

Advocate

Filed by the applicant
through advocate Sri
G. Chakravorty on 18-12-01.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

O.A. No. 475 /2001

BETWEEN

Sri Navendu Kumar Sinha,
Son of Sri Bimalendu Kumar Sinha,
Circle Organiser, SSB
Balat Circle, Balat
District East Khasi Hills
Meghalaya

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Principal Director,
Directorate General of Security,
Office of the Director, SSB,
East Block V,
R.K.Puram
New Delhi 110 066

Navendu Kumar Sinha

3. The Joint Deputy Director (EA)
 Office of the Director, SSB,
 R.K.Puram,
 New Delhi-110066

4. The Divisional Organiser
 SSB, Shillong Division,
 A.P. Secretariat Building,
 Shillong-793001
 Meghalaya

5. The area Organiser(Admn.)
 SSB, Shillong Division,
 Shillong-1
 Meghalaya.

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned Memorandum No. AOM/PF/60-OT/2006 dated 23.2.2001 issued by the Respondent No.5 and so also the Memorandum No. EA/AOM/41/PF/NKS/97/580 dated 4.6.1999 (dated 29.4.99) issued by the said Respondent No. 5 rejecting the claims of legitimate promotion of the applicant and praying for a direction upon the Respondents for promoting the applicant by holding Review DPC with effect from the date of his juniors were promoted.

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.

Navendra Kumar Singh

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 your applicant was initially appointed as Circle Organiser under the Respondent Department with effect from 11.2.1992 by way of direct recruitment and was posted at Krishnanagar Circle under South Bengal division. Subsequently he was transferred to Shillong Division in June 1997 and at present he is posted as Circle Organiser at Circle office, Balat in East Khasi Hills, Meghalaya under the Divisional Office, Shillong.

4.3 That as per the existing rules of the respondent department, the next higher post in the promotional avenue for the applicant in the post of Sub Area Organiser (SAO) which is selection post and is given on the basis of seniority cum fitness.

4.4 That the Directorate General of Security, SSB vide its Memo No. 21/SSB/A2/98 (1) dated 28.1.98 published the Seniority list of the Circle Organisers wherein the name of the applicant appeared at Sl. No. 14. Considering his seniority and span of service and other aspects he is eligible to get the promotion from the post of Circle Organiser to the post of Sub-Area Organiser.

4.5 That consequent upon the selection for promotion to the post of SAO by the DPC, the Directorate of SSB issued promotion order of some Circle Organisers vide its W.T. MSG. No. DTE 13596-97 dated 10.07.1998. Surprisingly, the aforesaid promotion order did not contain the name of the applicant and assuch he was deprived of

his legitimate promotion whereas some of the circle organisers who were junior to him were found to have been promoted by the aforesaid WT MSG dated 10.07.1998. To illustrate the cases, it is relevant to mention here that the juniors namely Sri Nutan Kumar Kandpal, Sri Kuldeep Singh, Sri Rajen Chetia whose names figured at Sl. No. 15, 16, and 17 respectively in the seniority list were promoted along with some other juniors whereas the applicant whose name appeared at Sl. No. No. 14 in the Seniority List was excluded.

4.6 That being aggrieved at the non-consideration of his promotion, the applicant submitted one representation on 25.8.1998 to the Director, SSB, New Delhi Through proper Channel agitating the promotion of his juniors and praying for his promotion to the post of SAO.

Copy of the representation dated 25.8.1998 is annexed herewith as **Annexure-I**.

4.7 That the applicant was shocked to receive on 02.09.1998 one memorandum No. 2/SSB/ACR/SB/97/536 dated 24.07.1998 from the Divisional Organiser, south Bengal Division, Calcutta, communicating that there was an adverse remark in the ACR of the applicant for the year 1996-1997 which as quoted is reproduced below :

“In section 4 of your ACR for the year 1996-1997 you have been adjudged as “Good” in General intelligence, judgment, capacity in oral and written expression, analytical ability, personality and bearing, loyalty, moral character and Public Relations. In the summing up, you have also been assessed as an “yang” smart and educated Circle Organiser.” Despite these good qualities, you are advised to improve your professional ability and avoid casual attitude while dealing with official matters.”

Having received the above mentioned memorandum dated 24.07.1998, the applicant submitted one representation on 18.9.1998 to the Divisional Organiser, South Bengal Division apprising his good works and praying for expunction of the unfortunate adverse remarks given in his ACR for '96-97'. 25

Copy of Memorandum dated 24.07.1998 and representation dated 18.9.1998 are annexed herewith as **Annexure-II** and **III** respectively.

4.8 That your applicant eventually sent reminders to the respondents time and again praying for consideration of his promotion and redressal of his grievances but with no result.

Copy of reminders dated 07.09.1998 dated 07.10.1998 and dated 16.11.1998 are appended herewith as **Annexure- IV, V, and VI** respectively.

4.9 That the applicant received one order No. 2/SSB/ACR/SB/97-98/768 dated 28/30.9.1998 from Divisional Organiser, South Bengal Division rejecting his prayer for expunction of adverse ACR. Further, he received one Memo No. SD/GE/A73/PF/12524 dated 15.10.1998 from Area Organiser, Shillong Division communicating the Director's decision regarding non-consideration of his promotion in view of the rejection by DPC.

Copy of order dated 28/30.9.1998 and Memo dated 15.10.1998 are annexed herewith as **Annexure-VIII and VIII** respectively.

4.10 That surprisingly, the Area Organiser (Admn), Shillong Division vide his Memorandum No. SD/GE/A-73/PF/4552 dated 26.4.1999 which was communicated to the applicant vide No. EA/Adm/41/PF/NKS/97/578 dated 3.6.1999 brought forth some unfounded allegation against the applicant alleging that the applicant exerted political influence through Hon'ble M.P. for furthering his interest. The Memorandum dated 26.4.1999 was then followed by one impugned letter dated 29.4.1999 (bearing Memo

No. EA/Adm/41/PF/NKS/97/580 dated 4.6.1999) endorsing some concocted/distorted events leading to the non-selection of the applicant for promotion. The applicant however, submitted his reply vide his application dated 24.6.1999 rebutting the allegations.

Copy of Memo dated 26.4.1999 impugned letter dated 29.4.1999 and application dated 24.6.1999 are annexed herewith as **Annexure IX, X, and XI** respectively.

4.11 That the applicant made subsequent efforts also for redressal of his grievances and submitted application on 03.07.2000 to the Director, SSB which was forwarded by Area Organiser, Shillong on 23.11.2000 but with no result. Eventually the applicant received one impugned Memorandum dated 30.1.2001 communicated vide No. AOM/PF/600T/2006 dated 23.2.2001 by Area Organiser, Shillong upholding the nonconsideration of promotion of the applicant in their usual attitude.

Copy of application dated 03.07.2000 and impugned Memorandum dated 23.2.2001 are annexed herewith as **Annexure XII and XIII** respectively.

4.12 That being frustrated at the determined non-consideration of the respondents of the case of the applicant, eventually the applicant appealed once again to the Director General, SSB, New Delhi for redressal of his grievance vide his application dated 18.6.2001 and further ventured to address a prayer to the Joint Secretary, Public Grievance Cell, Ministry of Home Affairs, New Delhi vide his application dated 18.06.01 for redressal of his grievance. Unfortunately, his prayer was rejected vide one Memo No. SD/GE/A-73/PF/13648 dated 15.10.2001 issued by Area Organiser (Admn.), Shillong.

Copy of application dated 18.6.2001 to Director General, application dated 18.6.01 to Joint Secretary and Memo dated

15.10.2001 are annexed hereto and marked ~~Annexure XIV, XV and XVI~~ respectively.

4.13 That the applicant begs to state that the respondents confirmed that his case of promotion was rejected by the DPC on the basis of adverse remarks in the ACR for the year 1996-97, which was communicated to the applicant only on 02.09.1998 after completing the whole process of selection by DPC and subsequent issuance of promotion order etc. of the juniors in July, 1998. The respondents in their bid to cover up their lapses, have eventually brought some unfounded allegations on the applicant viz. exerting political pressure through Hon'ble M.P. which does not have any basis and has been rebutted by the applicant. This apart the respondents, in their impugned Memorandum dated 29.4.1999 (Annexure X) have mentioned to have issued as many as six nos. of letters memos to the applicant on different dates during 1996-1997 informing him of his shortcomings which the applicant never received and as such are simply their imaginary and fabricated collection of events.

4.14 That the applicant further begs to state that it is a settled law that all adverse entries in the ACR shall be communicated to the concerned Government servant. As per D.P. and A.R. O.M. NO. 21011/1/77 - Est. dated 30.01.1978 (ref : Para 20 under the Chapter "Confidential Reports" in Swamy's Manual on Establishment and Administration), all adverse entries in the C.R. should be communicated too the concerned Government Servant **within one month** of their being recorded. Further a copy of the letter communicating the adverse remarks duly acknowledged by the official concerned should be kept in the C.R. file and the fact of communication of the entries should be recorded in the report itself by the authority communicating them.

Further, as per para 6.3.1 under the Chapter "Promotions" in Swamy's Manual on Establishment and Administration, for all Group C Group B and Group A posts up to certain level, the Bench-mark in the gradation in ACR is "Good" and all officers

Navender Kumar Singh

whose overall grading is equal to or better than the Bench-mark should be included in the panel for promotion.

4.15 That in the instant case, all the procedural requirements laid down by the Government as described in Para 4.14 above was flouted by the DPC and the Respondents and the applicant was excluded from being promoted in spite of his seniority and eligibility and despite the fact that this over all grading in the ACR for 1996-97 was "Good" i.e. fulfilling the Bench mark for promotion. The adverse remarks in the ACR for 1996-97 on which the DPC and the Respondents acted upon, was of advisory nature only whereas the over all assessment was graded as "Good". And as such the applicant was eligible for promotion along with others in all fitness of the things. But the Respondents, acting whimsically, did not consider the case of the applicant which is arbitrary, capricious, malafide and contrary to the settled laws.

4.16 That your applicant begs to state that due to non-consideration of his case for promotion to the post of Sub-Area Organiser he is incurring financial loss as well as loss in his promotional prospects. As such finding no other alternative the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the present applicant directing the respondents to constitute review DPC and to consider the case of the applicant for promotion to the post of Sub Area Organiser with retrospective effect with all consequential service benefits.

4.17 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 applicant acquired a valuable right and was eligible for promotion to the post of Sub-Area Organiser.

5.2 For that the persons who were junior to the applicant in the seniority list, have been promoted to the post of SubArea Organiser whereas the case of the applicant has not been considered.

5.3 For that the DPC and the Respondents flouted all the settled laws in respect of the ACR of the applicant and deprived the applicant of his legitimate promotion unjustly, unfairly and arbitrarily.

5.4 For that the similarly situated persons, even juniors were promoted, whereas the applicant was meted with discriminatory treatment which is a clear violation of Article 14 and 16 of the Constitution of India.

5.5 For that the applicant made all efforts and prayers to the respondents for consideration of his case but the respondents acted arbitrarily and in a predetermined manner and rejected all prayers.

5.6 For that due to nonconsideration of the case of promotion in manner, the applicant has been incurring financial loss in each and every month and losses in the form of service prospects.

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

Navendra Kumar Singh

5.2 For that the persons who were junior to the applicant in the seniority list, have been promoted to the post of SubArea Organiser whereas the case of the applicant has not been considered.

5.3 For that the DPC and the Respondents flouted all the settled laws in respect of the ACR of the applicant and deprived the applicant of his legitimate promotion unjustly, unfairly and arbitrarily.

5.4 For that the similarly situated persons, even juniors were promoted, whereas the applicant was meted with discriminatory treatment which is a clear violation of Article 14 and 16 of the Constitution of India.

5.5 For that the applicant made all efforts and prayers to the respondents for consideration of his case but the respondents acted arbitrarily and in a predetermined manner and rejected all prayers.

5.6 For that due to nonconsideration of the case of promotion in manner, the applicant has been incurring financial loss in each and every month and losses in the form of service prospects.

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

respondents in considering the case of the promotion of the applicant.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. No. : 66790240
- ii) Date of issue : 29-11-2001
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Navender Kumar Sahu

VERIFICATION

I, Shri Sri Navendu Kumar Sinha, Son of Sri Bimalendu Kumar Sinha, working as Circle Organiser, SSB Balat Circle, Bal District East Khasi Hills ,Meghalaya, 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 the 18th day of December, 2001.

Navendu Kumar Sinha

Annexure-I

No. II/1/GCH/89(1)/97-98/10662-63
 Directorate
 Office of the Commandant, GC, SSB, Haflong - 788819
 Dist : N.C. Hills (Assam)

Dated the 25.8.1998

MEMORANDUM

Enclosed pleased herewith an application submitted by Sri N.K.Sinha, Circle Organiser, SSB, through proper channel regarding consideration of his promotion to the rank of SAO which is self explanatory for further necessary action at your end please.

Enclo : 4 (four) copies.

Commandant
 GC(SSB) Haflong

To

The D.Paul,
 Sub-Area Organiser,
 SSB, Tura
 (Camp at Haflong)

Copy to :

Shri N.K.Sinha, C.O. SSB, Balat (Campt at Haflong) - for information w.r.t. his application dated 25.8.1998.

Sd/ Illegible

Commandant
 GC(SSB) Haflong

Attested by

M.
 Advocate

Navendra Kumar Sinha

From :

Nayendu Kr. Sinha
Circle Organiser, SSB,
Balat, Shillong Div.
Present : Camp at Haflong
Group Centre for Best Area Competition

To :

The Director
SSB, East Block-V
New Delhi-110066

(Through - the proper channel

Sub : Request for consideration of self for the promotion to the rank of SAO.

Sir,

I have the honour to invite your kind attention in respect of the recent promotion from CO to SAO in the month of July, 1998. That Sir, I am surprised to see that my juniors e.g - Sh Nutan Kandpal, Shri Kuldeep Singh, Shri Ranhan chetia, Shri K.V.S. Panwar, Sh Subrata Bose etc. have been promoted but I am not. Whereas my position in the seniority list as supplied by you vide Memo No. -21/SSB/A2/98(1) dated 28.1.98 is 14 (Fourteen).

I shall be highly obliged if you kindly look into the matter enabling me to get justice about my seniority and promotion as soon as possible.

Your honour necessary intimation may kindly be given to me.

Your honour, this before you to your kind necessary action please.

Sd/- Illegible
(N.K.Sinha) CO SSB
Balat, Shillong Div.

Attested by

JK
Advocate

Nayendu Kumar Sinha

Annexure-II

Confidential

DIRECTORATE GENERAL OF SECURITY
 CABINET SECRETARIAT, GOVT. OF INDIA,
 OFFICE OF THE DIVISIONAL ORGANISER
 S.S.B., SOUGH BENGAL DIVISION
 1, HAZI MD. HOHSIN SQUARE
 CALCUTTA-700015

No. 2/SSB/ACR/SS/97/536

DATE 24th July '98

MEMORANDUM

In Section-4 of your ACT for the year 1996-97 you have been adjudged as 'good' in General Intelligence, Judgment, capacity in oral and written expression, Analytical ability, personality and bearing, loyalty, Moral Character and Public Relations. In the summing up - you have also been assessed as an 'young, smart and educated Circle Organiser'. Despite these good qualities, you are advised to improve your professional ability and avoid casual attitude while dealing with official matters.

The above remarks are being communicated to you, with the sole aim to bring improvement in your shortcomings. However, if you wish to submit any representation against this communication, you can do so within 30 days from the date of receipt of this Memo.

Please acknowledge receipt.

Sd/ Illegible 24.07.98
 (A.K. Abrol)
 Divisional Organiser.

To

Shri N.K. sinha,
 Circle Organiser,
 Shillong Division, SSB,
 A.P. Secretariat Building,
 PO : Shillong-793001
 Meghalaya

Attested
 for
 Advocate

Improv. professional
 Ability
 &
 Avoid Comt
 Attitude in
 dealing with offi-
 cials

Navendra Kumar Singh

Annexure-III

Confidential

SLT/Estt/21/PF/W/98
 O/o the Co Balat
 Campt at A.O. Office
 Shillong

Dated 18.9.1998

To:

The Area Organiser
 SSB, Meghalaya area

Sub : Representation against adverse remarks in the ACR
 for
 the period 1996-97.

Sir,

I have the honour to submit my representation against adverse remarks in the ACR for Pd 99697 addressed to the D.O., South Bengal Division, SSB.

Kindly do a kind and necessary action on it. Since I had to make this representation reach at the DO South Bengal Div. SSB, before 2nd Nov. '98, so I request you again for a kind and fast action on it.

With due regards,

Yours faithfully,
 Sd/- N.K.Singh
 Co Balat

Endlo : 3 copies

Copy to

The SAO - for information please.

*Pls. file
 Navender
 Kumar
 Advocate*

Navender Kumar Singh

CONFIDENTIAL

BLT/Estt/21/PF/CO/98/385-86

From
 N.K.Sinha
 C.O., Balat, (SSB),
 Camp at Shillong in
 The office of the A.O.(M)

Dated 19.9.1998

To

The Divisional Organiser,
 SSB, South Bengal Division
 1, Hazi Md. Mohsin Square
 Calcutta-700016 (W.B).

Sub : Submission of Representation against adverse remarks in
 ACR- 1996-97.

Sir,

With all due regards and honour, I am honoured to submit a representation against some adverse remarks in my ACR for the period 1996-97. this was communicated vide your memo No. (Confidential)- 2/SSB/ACR/SB/97/536 dated 24.07.98 and was received by me on 2nd Sept. 98.

My representation is attached herewith for your very kind and necessary action please.

Yours faithfully,

Sd/- Illegible 19.9.1998

(N.K.SINHA)

C.O.,SSB, Balat.

Copy to -

The A.O.(M) - for information.

*Attested
 Nav
 Advocate*

Navender Kumar Sinha

Annexure-III(Contd.)

To

The Divisional Organiser,
 SSB, South Bengal Division,
 1, Hazi Md. Mohsin Square,
 Calcutta-700016, W.B.

Sub : Representation against Adverse Remarks in the ACR for year
 1996-1997.

Sir

With all due regards and honour most politely I beg to state that I have been given the adverse remarks in my ACR for the year 1996-1998 vide your Memo No. 2/SSB/ACR/SB/97/536 dated 24th, July 98 and the same was received by me on 2nd September, 98 in the office of the Area Organiser, SSB, Meghalaya Area, Shillong Division. In this connection I am to lay down following for favour of your perusal and kind consideration please.

2. That Sir, I am very much grateful to you for asserting me young, smart and educated Circle Organiser but at the same time, I am really sad to see that my professional ability and attitude towards assignment are in question.
3. Sir, in anticipation of your kind permission I would like to write down a few lines about my efforts and endeavour for the official work during 1996-97 before you.
4.
 - i) In the month of April '96 I returned from 29th W.T. Training from T.G. Saloniabari and resume my duty.
 - ii) In the month of May '96 I conducted C.A Ex. At Village Rupdeha w.e.f. 24.5.96 to 31.5.96. In this Civic Action Exercise poor under developed near to Border Village was selected, in which Muslim dominated villages near by also involved. A part from MCA, VCA, Cultural shows Pukka Road was constructed. Involvement of people was so very high that it was later on selected for one of the sub-venue for MPC.
 - iii) June - Remained on leave.
 - iv) July - Took the tasks to sponsor disabled person for free Medical Aid very seriously. So methodically ~~med~~ to the Key points where availability of need disabled persons are more. So Key persons were contacted for example Md. Abdul who had a hold among all the disabled person to refrain from giving aid to such a disabled person who is having free aid already or he is very rich or he may sale the free aid for some money.

*Alles Ted
 Jev.
 Adrocolli*

Navender Kumar Singh

v) August '96 - Took charge of Office Ranaghat on 06.08.96 from Shri B.K.Paul, C.C. Important demand were placed to give SAO Office a new out-look new files/registers were open.

Self obeyed the order of the Commandant/A.O. for the escort duty of ITVs to TC Haflong w.e.f. 8.8.96 to 13.8.96 while returning from TC Haflong I fall sick in the Train due to diarrhoea dysentery with fever. During the returning journey I was alone but reported to the Commandant/A.O and never complained for W.I had not been provided at least one person while returning from TC, Haflong. But ever showed my loyalty to the Commandant/A.O. and respected his orders and always tried to understand his limitations responsibilities. I always thought/felt he used to give me the best of the comfort and guidance. Site selection for MPC- Just after resuming my duty in the month of April '96. I took interest to organise MPC in a very successful manner. So with Dr. C.Bhattacharjee conducted a tour to Kishanganj P.S. for site selection and also organised VCG Vaccination in the village Goaripar etc.

vi) Sept - Took charge of C.O. Palassy on 13.9.1996 on 21.9.96 Majdia was finaly seleted as main venue for MPC.

I was made guide to othe SAO Shri a.K.Srivastava who had come with 20 WATS from Pauri, Garhwal for study tour. As local C.O. I arranged their messing, lodging. Their vehicle, chalked out the programme. W.e.f. 23.9.96 to 25.9.96 I was with them and arranged get together at the village Chowgacha School/TIA side - Photography, local Folk Dance, Songs were done by the Volts.(WATS and ITV of Krishnagar Circle and also reciprocated by the Wats of Pauri. They were shown Mayapur, Chowgacha, Behrmpur, Hazar diary, Imambar etc.

Took proper interest in the preparation of Estimates of GIA Radhamanta Pur of Palassy Circle as SAO Ranaghat. Took the service of SI(P) by proper request too the Commandant.

vii) October '96 - On 19.10.96 handed over the charge of SAO Ranaghat to Shri B.K.Paul, C.C.

My effort sincerely again appreciated by my senior and again I was given the task of organising programme for 30 WATS from Pauri led by Sh. O.P.Sharma, SAO Pauri. So again they were given warm welcome comfortable stay and well chalked programme like the earlier one. They were shown different monuments and places of Historical importance then escorted to Malda, by me.

viii) November '96 - Again I took over the charge of SAO Ranaghat on 08.11.96 and went to the village Arbolda of Ranaghat Circle with the C.O. my main aim was to make the forth coming C.A. Ex. Of Arbolda a real success. I talked with all the influential people and appreciated

the situation and after returning to Krishnanagar reported to the Commandant. Took his last minute approval. And the CAEX was conducted on 19.11.96 to 24.11.1996.

ix) December' 96

i) The month of Dec. 96 was very very demanding too me, my effort my sincerity and my calculated action. The routined programme, name of villages, sub venue etc. had already been given by me but many things were to be done so in nutshell following works was completed by me :-

1) Instead of RBHS School Majdia, Majdia College was considered as main venue.

I contacted with Principal, Majdia, college,. The Secretary of Students Union was taken into the confidence. And with methodical approach at last not only college ground and one portion was available for MPC but the whole college, canteen (which was made officers mess) and furniture were at the disposal of SSB.

2) I contacted Nadia Zila Zonal Secretary Shri Renupada Das, EX-MP(CPIM) and too his favour for arranging a Minister for being Chief guest for MPC. Firstly he arranged Sri Satyasadhan Chakraborty for this. I contacted him at Kallayani but he was over engaged and declined politely by saying me " It was better to contact at least $\frac{1}{2}$ months before the programme for such invitation" then again I contacted Shri Renupada Das, Ex-M.P. and said the same to him. He again contacted Sri Kamalendu Synnal, Minister for the same purse and I with the request took his willingness for benign Chief Guest for MPC. For my this effort I was nice appreciated by Shri A.S. Rawat, commandant, Krishnanagar. Thus again I proved my professional approach and loyalty to my senior.

3) Local School, Clubs were contacted for rally cultural shows, Dances and Dama.

4) Several G.Os and N.G.O.s were contacted for stalls.

5) B.D.O. Krishanganj and Hanskhali were requested to provide different stores for making different stalls and for beautifying the ground by supplying CGI-Pipes.

6) Wooden Block were arranged for beautifying Bharat Darshan.

7) Programme on cultural unity and amity were organised to spread, feeling of brotherhood among the mass.

8) Sly, arrangement for RTC was also carried over.

9) January '97 - A successful CAEx was organised in a deprived village of Charshamvunagar w.e.f. 12.01.97 to 19.01.97, during the civic ation our Commandant sent Dr. Mitra to brief me about the visit of CVO from the Dte. New Delhi and ordered me to organised a all neated well organised spl. VCA in one of the venue of CAEs.

I obeyed in the same manner and obviously on 15.1.97 Sri Sashi Ranjan, CVO from Directorate appreciated my effort and gave appreciation in writing in the visit book of C.O. Office. Thus I kept the name of Krishnangr g.C. High in the eyes of Officer from SSB Directorate, New Delhi.

10) Feb/March '97 I was much engrossed with Ops. Work of Circle-Base recee, target recee, cache and also contacted for another civic ation of Krishnanagar Circle. A part from the above works NIP visit, Volts. Contact, INT, GIA etc. have also been fulfilled by me. I had a very good trek record of GIA except Bapuji Nagar where I had to retreat as I never wanted to put my organisation in politics. The GIA-Chowgacha, Ananda Nagar, Mayur Hat, Rupdaha, Baraandulia, Sutia etc. are always appreciated by my seniors. They are the testimony of my honest work and meticulous effort.

Sir I always obeyed my seniors tried to understand them always took the work seriously and I always there to help rather assist my senior in the time of need.

Sir, at present I feel that I had never been given an opportunity to have communication with you face to face except in one or two occasion for a short while - in which I remember the debriefing of MPC where you declared the

MPC very successful and I received congratulation from every body. Really I was very much bosted them.

Sir, Now a days I am under much tension and I am seeing a very dark future shed with stark reality of life. Kindly expunge the adverse remarks in my ACR for the period 1996-97 and let me allow to rejuvenate for that I shall be highly obliged to you.

This is before you for your kind perusal and necessary action please.

Yours faithfully,
Sd/- N.K. Sinha 18.9.1998
Circle Organizer
SSB Balat
Meghalaya Area,
Shillong Division

*Pls. find
Yours
Advocate*

Annexure-IV

X
ConfidentialBLT/ESTT/21/PF/Co/98/342
Office of the Co- Balat

Dt. 07.09.1998

To

The Sub Area Organiser
SSB, TuraSub : Submission of prayer to the worthy Director SSB in
relation to promotion to the rank of SAO.

Sir,

I have the honour to submit my prayer to (1st reminder) worthy
Director SSB in r/o my prayer to him for getting me promoted to the
rank of the SAO with due seniority.

So this prayer in triplicate with the same despatch no. (above)
is being submitted to you for further necessary action please.

Yours faithfully,
Sd/- Illegible 07.09.1999
(N.K.Sinha)
Co- Balat

Enclo : A/a

*Referred
Jain
Paroakti*

W
Annexure-**Confidential**

File No. BLT.Estt/21/PF/CO/98/342

Ist reminder

From

N.K.SINHA
 Circle Organiser, SSB
 Balat, Shillong Div.

Dated 07.9.1998

To

The Director
 SSB, East Block-V
 NEW DELHI-110066

Through proper channel.

Sub : Request for consideration of self to the PROMOTION to the Rank of SAO.

Ref : My previous prayer for the same G.C. Haflong dated 25.8.1998.

Sir,

I have the honour to invite your kind attention in r/o the recent promotion from CO to SAO in the month of July '98 vide your WT MSG No. DTE No. 13596-97 dated 10.7.98. That Sir, I am surprised to see that my juniors e.g. Sh. N. Kanupal, Sh. Kuldeep Singh, Sh. Ranjan Chetia, Sh. K.V.S. Ponwar, Sh Subrata Bose etc. have been promoted but I am not.

Whereas my position in the seniority list as provided by you vide Memo No.-21/SSB/A2/98(1) dated 28.1.98 is 14(Fourteen).

Your honour I shall be highly obliged if you kindly look into the matter presumably enabling me to get justice about my seniority and promotion as soon as possible.

Your honour necessary intimation may kindly be given to me.

Your honour this is before you for kind and n/a please.

Yours faithfully,
 Sd/- Illegible 7.9.98
 (Navendu Kr. Sinha)
 Circle Organiser, SSB
 Balat, Shillong Div.
 Meghalaya.

*Navendu
 Kr. Sinha
 Circle Organiser
 SSB
 Balat, Shillong Div.
 Meghalaya.*

Annexure-

Confidential

BLT/Estt/21/PF/CO/98/404

Office of the Co-Balat

Dated 7.10.1998

To

The Sub Area Organiser
SSB, TuraSub : Submission of prayer/representation to the worthy Director SSB
in respect of promotion & Seniority.

Sir,

I have the honour to submit my prayer (2nd reminder) to worthy Director SSB in respect of my prayer to him for getting me promoted to the rank of the SAO with due seniority.

So this prayer in triplicate is being submitted to you for further necessary action please.

Yours faithfully,

Sd/ N.K.Sinha 7.10.1998
Co-SSB
Balat

Enclosures : A/a

A handwritten signature in black ink, appearing to read "N.K. Sinha" in a stylized, cursive script.

Annexure-

Confidential

File No. BLT.Estt/21/PF/CO/98/402

Ist reminder

From:

N.K.SINHA
 Circle Organiser, SSB
 Balat, Shillong Div.

Dated 07.9.1998

To:

The Director
 SSB, East Block-V
 NEW DELHI-110066

Through proper channel.

Sub : Request for consideration of self to the PROMOTION to the Rank of SAO.

Ref : My previous prayer for the same G.C. Haflong dated 25.8.1998.
 (Ref - PRAYER ON DT. 25.8.1998, 1ST REMINDER ON dated 7.9.98)

Sir,

I have the honour to invite your kind attention in r/o the recent promotion from CO to SAO in the month of July '98 vide your WT MSG No. DTE No. 13596-97 dated 10.7.98. That Sir, I am surprised to see that my juniors e.g. Sh. N. Kanupal, Sh. Kuldeep Singh, Sh. Ranjan Chetia, Sh. K.V.S. Ponwar, Sh Subrata Bose etc. have been promoted but I am not.

Whereas my position in the seniority list as provided by you vide Memo No.-21/SSB/A2/98(1) dated 28.1.98 is 14(Fourteenth).

Your honour I shall be highly obliged if you kindly look into the matter presumably enabling me to get justice about my seniority and promotion as soon as possible.

Your honour necessary intimation may kindly be given to me.

Your honour this is before you for kind and n/a please.

Yours faithfully,
 Sd/- Illegible 7.10.98
 (Navendu Kr. Sinha)
 Circle Organiser, SSB
 Balat, Shillong Div.
 Meghalaya.

*Answered
 Your
 Request*

Annexure-VI

Confidential

BLT/Estt/21/PF/CO/98/404

Office of the Co-Balat

Dated 16.11.1998

To

The Sub Area Organiser
 SSB, Tura
 Shillong Division

Sub : Request to forward my prayer to worthy Principal Director SSB in
 respect of Promotion to the rank of SAO.

Sir,

With due respect I beg to state that I am herewith submitting my
 prayer/Representation to the Worthy Principal Director, SSB in respect of
 my consideration for promotion to the rank of SAO in SSB with due seniority.

This is for your kind and n/a please. (I am herewith submitting
 relevant document. - 5 sets please).

So this prayer in triplicate is being submitted to you for further
 necessary action please.

Yours faithfully,

Sd/ N.K.Sinha 7.10.1998
 Co-SSB
 Balat
 (Shillong Div.)

Enclosure

5 no. of sets
 consisting
 1. Self representation to the DO SB Div.
 2. Reply of Worthy Director,SSB.
 3. Memo from the eDO Shl Div. SSB
 4. Memo (reply) from the DO SB Div.SSB.

*Attested
 New
 Advocate*

Annexure-VI(Contd.)

BLT/Estt/21/PF/CO/98/51

From :
 N.K.Sinha
 C.O. SSB
 Shillbng Division

To :

The Principal Director
 Directorate General of Security
 O/o the Director, SSB
 East Block-V
 R.K.Puram,
 New Delhi-110066

(Through the proper channel)

Sub : Consideration of self for promotion to the Rank of SAO.

Sir,

With much regards and honour, very politely and humbly I beg to state that I am working as Circle Organiser in SSB since Feb. 1992. At present I am co-Balat Circle under Shillong Divison. Earlier I was posted in Sough Bengal Division as CoKrishnagar Circle and in June 1997 I was transferred from South Bengal Division to Shillong Division.

Sir, in anticipation to your kind permission I want to draw your kind attention on the following paragraphs and seek your justice as well:-

Sir, it is very sad to say that a promotion order was flashed from SSB Directorate through WE MSG, No DTE 13596-97 dted 10th July'98. In this order few co's were promoted to the rank of SAO. All of them were junior to me except one. I bear the seniority no-14th (fourteenth) in the seniority list as supplied by the SSB Directorate Memo No. 21/SSB/A2/98 (1) dated 28.1.1998. Obviously it was a great shock to me for why I was not considered for promotion.

Then I gave a representation to the worthy Director SSB on 25.8.1998, requesting him for my consideration for promotion with due seniority.

Sir, in the meanwhile on 2nd Sept.'98 I received a confiedential Memo No.2/SSB/Acr/SB/97/536 dt 24.07.98 from the Divisional Organiser South Bengal Division, SSB stating about entry of some adverse remarks in my ACR for the period 1996-1997. The adverse remarks is as below :

"In section 4 of your ACR for the year 19967 you have been adjudged as "Good" in General intelligence, judgment capacity in oral and written expression, analytical ability, personality and bearing, loyalty, moral character and Public relations. In the summing up you have also been assessed as an "young smart

*Referred
Jewar
for recd*

and educated Circle Organiser". Despite those good qualities, you are advised to improve your professional ability and avoid casual attitude while dealing with official matters."

Sir, after receiving this memo I represented to the DO south Bengal Division S.S.B for expunction of the adverse remarks in my ACR 1996-97 about my professional ability and casual attitude in dealing with official matter.

By the time I also received the reply from worthy Director SSB is as below : Vide 14/SSB/AZ/91(74)II/4354 dated 9.10.98 EXTRACT of the Memo Given to me :-

2. In this connection, it is intimated that the probation of Shri N.K. Sinha Circle organiser was considered by the DPC along with others but Shri Sinha, could make not make the grade and as such was not approved for promotion by the DPC Sri Sinha may please be informed accordingly.
3. This was the approval of Director SSB.

Sir, before worthy Directors reply I received the reply from DO South Bengal Division and got surprised that he kept the above remarks (Adverse) relevant for the period 1996-97 and declined to expunge it. This was conveyed to me vide Memo No.2/SSB/ACR/SB/9798/768 dated 28 Sept. '98.

Sir, in his reply he treated my endeavour to persuade Shri Kamalendu Sanyal Minister (CPM) to be a Chief Guest of major publicity campaign as irrelevant matter. And he considered my most of the endeavour to fulfill some of the other tasks as mundane things.

Sir, I didn't approach to a Minister or my own but I was ordered by the Comdt. Sri A.S.Rawat to do it as Div. Hqr was putting pressure on him to make a Minister only as Chief Guest of major publicity campaign and the time was very less so we had to drop out the idea of making Chief Guest to some local influential person in MPC. I obeyed the order of my superior and penetrated into the political Circle (CPM) from Khrishnagar to Kalyaihia and could able to get a Minister as Chief Guest of MPC.

Sir, I am surprised to receive this Memo after a gap of 14 months (1 yr and 2 months).

Also I never got any memo during my this tenure 1996-97. As it is a prerequisite to issue at least three Memos (Cautionary in nature) before issuing some adverse entry into the ACR of the Officer reported upon.

Sir, I am also very surprised to see the date of signature on the memo from DO South Bengal Division SSB which is 24/07/98 just after the commencement of the promotion list on 10.7.98, by the SSB Directorate.

Sir, I do not understand why this was not signed before 10th of July' 98 by the DO, South Bengal division and communicated to me in time.

Sir, the DO South Bengal has turned down my prayer for expunging the adverse remarks, at the same time he advised me to take this adverse remarks in right spirit as it is of advisory in nature but Sir, even then it is an ADVERSE REMARKS. Sir, I don't understand what advise he want to give after a gap of 14 months?. It is well said that "stitch in time saves nine". Does this advise keep any sense to me now?. When it has come to me exceedingly late, keeping me away from the promotion, more over, shattering my future in the organisation and playing with my honour.

Sir, it is malicious, biased and with MALA FIDE INTENTION.

Sir, I have worked with utmost sincerity in this organisation as Circle Organiser and I firmly believe that I have always been rated as good in ACR. If not outstanding or very good till now for the consideration of promotion to the rank of SAO.

Sir, please save me from this debacle and considering my case as an special case, kindly promote me to the rank SAO with due seniority. I keep much faith in your pious justice and very kind action please.

Yours faithfully,
Sd/- N.K.sinha 16.11.98
C.O.SSB,
SHILLONG DIVISION

Dated 16.11.98

*Alles best
Beste
Private*

Enclosures :-

1. Xerox copy of my representation to the DD South Bengal Div.
2. Xerox copy of Reply of Worthy Director-SSB
3. Xerox copy of Memo issued from the DD South Bengal Division.
4. Xerox copy of Memo issued from the DD South Bengal Division on my reply to the representation.

Advance copy to :

The Principal Director, DGS/SSB, East Block V, - for information and necessary action pl.

*Filed
R.K. Puram
Approved*

Annexure-VII

Confidential

DIRECTORATE GENERAL OF SECURITY
 CABINET SECRETARIAT, GOVT. OF INDIA,
 OFFICE OF THE DIVISIONAL ORGANISER
 S.S.B., SOUGH BENGAL DIVISION
 1, HAZI MD. HOHSIN SQUARE
 CALCUTTA-700015

No.2/SSB/ACR/SS/97-98/768
 Sept. '98

DATE 28th/30th

O R D E R

I have carefully perused the representation of Shri N.K.Sinha, C.O. dated 19.9.98 against the adverse remarks in his ACR for the year 1996-97 communicated to him vide our Confidential Memo No. 536 dated 24.7.98.

The office has given a month wise account of activities undertaken by him during the relevant period and he has made a mention of various tasks assigned to these tasks assigned to him by the A.O/Commandant/Div. Hqrs. He claims that all crity & with the best of his abilities. While giving illustrations of his professional capability, he has also brought in some irrelevant matters like his endeavours to persuade a particular VIP to be a Chief Guest for an MPC. He has, in the process, mentioned the most mundane things done by him and thereby provided all the justification to the undersigned to retain the adverse obserfations about his professionalism and attitude.

The adverse remarks entered in the concerned ACR ar of an advisory nature and should be taken in the right spirit. While supervising this officer's work, I had come across several instances of his casual approach towards his mature lately, these remarks remain relevant to the period for which the ACR was written and therefore, shall remain unchanged.

Sd/- Illegible 28.9.98
 (A.K.Abrbl)
 Divisional Organiser

Sri N.K.Sinha,
 Circle Organiser
 Balat, SSB, Camp : Shillong.

*Alexander
 Alexander
 Alexander*

Annexure-VIII

Extract of SSB Dte's Memo No. 14/SSB/A2/91(74)-II/4354 dated 9.10.98 regarding submission of Application of Shri N.K.Sinha, CO for information.

"2. In this connection, it is intimated that the promotion of Shri N.K.Sinha, Circle Organiser was considered by the DPC along with others but Shri Sinha, could not make the gradand as such was not approved for promotion by the DPC. Shri Sinha, may please be informed accordingly.

3. This was the approval of Director SSB.

Memo No. SD/GE/A-73/PF/12524
Copy to :

Dated 15.10.98

The Area Organiser, SSB, Shillong, Meghalaya for information and necessary action.

Sd/-
Area Organiser, SSB(A)
Shillong Division, Shillong.

*Filed
Rec'd
S. S. S. C. A.*

Annexure-IX

No. SD/GE/A-73/PF/4552
 Directorate General of Security
 Office of the Divisional Organiser,
 SSB, Shillong Division, Shillong.
 A.P. Secretariat, Building, Ground Floor
 Shillong-793001, Meghalaya.

Dated the 26.4.1999

MEMORANDUM

Sub : Regarding promotion of Shri Navendu Kumar Sinha, CO SSB, Balat, Meghalaya.

As per Rule 20 of the CCS (Conduct) Rules, 1964, no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Government. Hon'ble member of parliament, normally sponsor the case of individual Govt. servant only they are approached or passed to do so. Since a reference has been received from Hon'ble Member of Parliament, it would be assumed that it has been taken up only at the instance of the Govt. servant as provided in the said rule.

2. Before further action is initiated against Sh. Navendu Kumar Sinha, circle Organiser, Balat, it is requested that his explanation may please be called and sent to this Div. Hqr. Shillong for taking further action as provided in the rules.

3. This has the approval of Director, SSB.

Sd/-

Area Organiser (Admn).
 Shillong Division, Shillong.

To

The Area Organiser,
 SSB, Shillong
 Meghalaya Area

Memo No. EA/AOM/41/PF/NKS/97/578
 Copy to :-

Dated 3.6.1999

Shri N.K.Sinha, CO, Balat Circle,
 Balat, Meghalaya
 please.

for information and
 necessary action

Sd/- Illegible
 Area Organiser,
 SSB, Meghalaya Area,
 Shillong.

*Alfred
 Jec
 26/4/99*

Annexure-X

No. SD/GE/A-73/PF/4684
 Directorate General of Security
 Office of the Divisional Organiser,
 SSB, Shillong Division, Shillong.
 A.P. Secretariat, Building, Ground Floor
 Shillong-793001, Meghalaya.

Dated the 29.4.1999

MEMORANDUM

Area Organiser, SSB, Meghalaya may please referred to his letter No. 756 dated 7.12.98 enclosing threewith the representation of Shri N.K.Sinha, circle Organiser, SSB, Balat addressed to principal Director, SSB, regarding his supersession in promotion due to adverse remarks in the ACR for year 1996-97 and exemption of adverse remarks thereof.

Director, SSB, has carefully perused the representation dated 16.11.98 by Shri N.K.Sinha, Circle Organiser, SSB, Balat, along with his previous representation regarding expunction of adverse remarks and other communications sent by Divisional Organiser, SSB, South Bengal Division against his representations.

Director's observations are reproduced as below which may please be communicated to Shri N.K.Sinha, CO, Balat suitably.

(a) Promotion of his junior :-

As already intimated to Shri N.K.Sinha, Circle Organiser, vide SSB, Directorate Memo No. 14/SSB/A2/91(74II/4354 dated 9.10.1998, his name was considered for promotion as ~~Sub~~ Area Organiser by the DPC along with other Circle Organisers result as he could not make the grade she was not recommended by the DPC for promotion even though he was senior to some of the Circle Organisers recommended for promotion. The post of sub are Organiser being a selection post, an officer with averse remarks cannot expect to be promoted and the DPC rightly did not recommend his case for promotion again as and when vacancies of promotion quota become available.

(b) Expunction of adverse remarks in his ACR for the period 1996-97.

Sri Sinha has contacted that adverse remarks were communicated to his belatedly and that he was not given any Memo to improve his shortcomings. In this connection, it has been observed that reasonable opportunity had been given to Shri Sinha to show improvement in the shortcomings as noticed during the course of performance of his duties, the following Memos were issued to him.

*After 6th
Year
Associate*

- i. Dy. Commandant GC, Krishnanagar letter No. III/802/GCK/PA/450406 dated 4.5.96.
- ii. Commandant, GC, Krishnanagar, Memo No. VIII/883 /802 /GCK/92(PA)4808-25 dated 15.5.96.
- iii. AO, Krishnanagar Memo No.V/409/Cash/956/6544-46 dated 9.7.96.
- iv. Commandant, GC, Krishnanagar memo No.IV/Area/GCK /TRG/92(Q)-472/74 dated 15.1.97 and
- v. Deputy Commandant GC, Krishnagar Memo No. F.III/149/GCK/TRG/VC/VII-1359-61 dated 15.2.97.

Shri Sinha did not bothered to bring any improvement in his casual attitude while dealing with official matters or in his professional ability despite the issue above advisory Memos. It is thus, clear that the adverse recorded in the ACRs of Shri N.K.Sinha, Circle Organiser are the reflection of his casual performance as noticed by both the initiating and Reviewing Officers. In view of this the undersigned is of the option that there is no cause for expunging any of the adverse remarks. He should take these remarks in the spirit and try to improve.

(c) Communication of adverse remarks and affording of opportunity to represent against the adverse remarks communicated :-

The adverse remarks given in his ACRs for the year 1996-97 pertaining to the period. Shri Sinha worked in South Bengal Division. He was communicated the adverse remarks and was afforded ample opportunity to make representation. His representation was duly considered by the Divisional Organiser, S.B.Division & rejected. The undersigned also considered all communications in this regards and is satisfied that reasonable opportunity was afforded to him & his representation (s) were considered by the quarters concerned.

Further, Shri N.K.Sinha has also approached Smt. Reeta Verma, Hon'ble Member of Parliament & thus violated provisions of Rule 20 of CCS Conduct Rules, 1964 by exerting political pressure in furtherance of his career interest. This has been viewed seriously & for this explanation of Shri Sinha has been asked for vide this Office Memo No. 4552 dated 20.4.99 which need to be submitted expeditiously for taking further necessary action as provided in the Rule.

AO, Meghalaya may please expedite the reply of this office Memo dated 20.4.1999 as referred to above.

Sd/-
Area Organiser (Admn)
Shillong Division, Shillong

*Pls. check
Jew
Paro atk*

The Area Organiser, SSB,
Meghalaya

Memo No. EAO/M/41 PF/NKS/97/580

Dated 4.6.1999

Copy to :

Shri N.K.Sinha, Co
action
SSB, Balat Circle,
Meghalaya Area.

for information and necessary
please.

*Bitte be
auf Beweise*

-Annexure-XI

Confidential

BLT/Estt/21/PF//CO-99/75

Office of the Co-SSB Balat dated 24.6.99

To

The Area Organiser(Admn)
 SB, Shillong Division
 A.P. Sectt. Bldg., Shillong
 Meghalaya

Sub : Explanation - Ref :- NOSD/GE/A-73/IPC/4552 dated 26.4.1999
 Communicated vide Memo No.EA/AOM/41/PF/NKS/97/578 dated 3.6.99.

Sir,

I humbly beg to state that I have received the above quoted memo No. SD/GE/A-73/PF/4552 dated 26.4.1999 requiring me to submit my explanation on the reference made by the Honourable Member of Parliament and whereby I have been informed that it was assumed that Hon'ble M.P. had taken up the matter at my instance.

Before submitting my explanation I would like to place on record that I had joined this august organisation in Feb 1992 and I had intended to build up my career in this organisation by my hard work and sincerity and I had made all endeavour in this regard.

After my supersession in July '98 when many of my juniors were promoted to the rank of S.A.O. I had submitted appeals/representation to the higher authorities through the proper channel, and I had made no attempt whatsoever to bring any political or other outside influence as has been alleged and the assumption is wholly incorrect.

After receipt of the above quoted memorandum I had made enquiries with my family members and I have come to know that my father was also very disturbed about my supersession and that he had on his own without even informing me, had approached the Hon'ble M.P. had routinely endorsed the same to the Worthy Cabinet Secretary. As stated I was not even aware of this and I was pursuing my remedies departmentally and as such it would be wrong to assume that I had tried to bring political and other outside influences with regard to my promotion. I respectfully submit that I cannot be faulted for the action of my old and ailing father who had on his own approached our local M.P.

I, therefore pray before good self to consider what is stated above and drop the matter.

Yours faithfully,
 Sd/- N.K.Sinha
 C.O.SSB, Balat.

*Ans. to
 N.K. Sinha
 C.O. SSB, Balat.*

59
Annexure-XII

DIRECTORATE GENERAL OF SECURITY
OFFICE OF THE AREA ORGANISER : SSB, MEGHALAYA AREA ; SHILLONG.

No. PF/NKS/2000-01/153839

Dated 23.11.2000

To

The Divisional Organiser,
Shillong Division,
Shillong.

Sub: Submission of representation for consideration of seniority for promotion of SAO.

Sir,

I am to forward herewith an application submitted by Shri N.K.Sinha, CO Balat for consider his cadre promotion on seniority which is addressed to the Director, SSB Dte. New Delhi for favour of necessary action.

Enclo : As stated above.

Yours faithfully,

Area Organiser : SSB
Meghalaya Shillong

Copy to :

Shri N.K.Sinha, CO Balat.

Sd/- Illegible

Area Organiser : SSB
Meghalaya Shillong

*Attached
Jiva
Per's cat*

Annexure-XII(Contd.)

FF-130
C/o the CO SSB
Balat

To
The D.O. SSB,
Shillong division

Through the A.O(M)/Through the proper Channel

Sub : Representation regarding seniority with promotion.

Sir,

With due regards and humble submission I am herewith submitting my representation addressed to the Director, SSB, on the subject cited above.

The same may please be forwarded to SSB Directorate for their consideration pl.

Yours faithfully,

Sd/- N.K.Sinha 3.7.2000
CO, SSB, Balat.

*Alleged
Date
Deno/0000*

Annexure-XII(Contd.)

O/o the CO SSB Balat

Dated 2.7.2000

To
The Director
SSB, Directorate
R.K.Puram
New Delhi

Through the Proper Channel

Sub : Consideration of seniority for promotion for SAO

Sir,

With due regards and humble submission, I want to draw your kind attention in respect of my seniority and promotion.

i) I was superceded through WT MSG from Directorate 13576-97 dated 10th July 1995 and thereafter I was communicated an adverse entry in my ACR for the year 1996-97 after a gap of 14 months which adverse entry was not expunged even my representation to the DO, SSB, South Bengal Division.

Sir, I was not considered for promotion as well as my seniority on that ACR which was communicated after a gap of 14 months as well after the WT MSG was conveyed.

So, it is my earnest request to your goodself, to consider my case and promote me to the rank of SAO with due seniority. And it may kindly conveyed to me please.

Thanking you,

Yours faithfully,

Sd/- N.K.Sinha 2.7.2000
CO, SSB,

Balat.

*Mr. N.K. Sinha
SSB, SSB*

Annexure-XIII

No.14/SSB/A-2/91(74)II/387
 Ministry of Home affairs
 O/o the Director, SSB
 East Block-V
 R.K.Puram,
 New Delhi-110066

Dated the 30th Jan/2001

MEMORANDUM

Please refer to your Memo No. SD/GE/A-73/PF/1774-75 dated 13th December 2000 forwarding therewith application of Shri N.K. sinha, CO, Balat Shillong Division regarding his promotion.

2. A detailed reply regarding supersession in promotion in respect of Shri N.K.Sinha, Circle Organiser has already been conveyed vide this Directorate Memo of Even number dated 16.4.99 which may please be referred to. In his recent representation dated 2.7.2000, Sh. Sinha CO has not touched any new point. His promotion case will be considered along with others depending upon the number of vacancies in due course of time. The officer may please be informed accordingly.

3. This issues with the approval of Joint Director (Pers.).

Sd/-
 (S.S.BORA)
 JOINT DEPUTY DIRECTOR (EA).

No. AOM/PF/61-67/2006

Dated 23 Feb Feb/2001

To

Sh. N.K.Sinha, Circle Organiser SSB, Balat, for information and Future correspondence.

Sd/-Illegible 22.02.01
 Area Organiser, SSB,
 Meghalaya Shillong.

*Shri N.K. Sinha
 Circle Organiser*

Annexure-XIV

BLT/Estt/21/PF/COSSB/2001

O/o the CO SSB, Balat

Dated, 18.6.2001

To

The D.G.
SSB, MHA
Govt. of India
East Block-V
R.K.Puram

Through - The Proper Channel

Sub :- Prayer for self consideration for promotion with due seniority.
Sir,

1. I was superseded on 10th of July '98 vide SSB DTE WT MSG No. 13596-97.
2. Further I received a confidential Memo No. 2/SSB/ACR/SB/97/536 dated 24.7.98, on 2nd September '98 about an adverse entry in my ACR for the pd 1996-97. And this adverse remarks was considered by DPC as stated in Memo No. SD/GE/A-73/PF/4684 dated 29.4.99 and so I was rejected from promotion.
3. I found my name in the seniority list at Sl. No.14, and about a half dozen or so juniors, were promoted.
4. I am confirmed that bench mark for promotion from CO to SAO is good, as SAO post was Group 'B' during 1998, Asb I am confirmed that seniority plays a vital role the consideration for promotion. I was highly placed in the seniority list.
5. After this I am constantly giving representations to provide me justice what to speak about justice, the deptt. Issued me a warning for my honest confession, about the emotional mistake of my old father for approaching local MP of his constituency for the redressal of my grievance, without my knowledge.
6. Recently I received a reply from SSB Directorate, No. 14/SSB/A 2/91(74)II/387 dated 30th Jan/2001 (OM AOM/PF 100-01/2006 dated 23 Feb 01) that my case will be considered along with others depending upon no. of vacancies in due course of time.

But Sir, I have referred some SWAMY's RULE Books and I have come to know that a serious injustice have taken place to me :-

1. A late communication of adverse entry (after a gap of 14 months) to me, although just after the promotion list was out (it should have been communicated to me latest by 5th June 1997) (G.I. D.P. AR. O.M. No. 21011/1/77 Estt. Dated the 30th January 1978).

*Ambered
Dear
Puram*

2. The Deptt. Agrees that " The post of SAO being a selection post, an officer with adverse remarks can't expect to be promoted and the DPC rightly didn't recommend his case for promotion, again as and when vacancies of promotion quota become available".

So it is evident that I was being considered for promotion but the deptt. Intentionally gave me adverse remarks, keeping in mind, not to expunge it at any cost and not to promote me and favoured some of the COS who were near and dear to them.

This is a pick and choose method.

3. The deptt. Did 't follow the rules made in G.I. D.P. & A.R., O.M. No. 21011/1/77 Estt. Dated the 30th Jan 1978 by not communicating adverse remarks on or before 5th June 1997.

I had in a very polite manner earlier raised this question, for why I was not being communicated the adverse remarks within 5th of June, 1997, but the deptt. Smartly counived and tried to convince me that an opportunity was given to me for representation against adverse remarks in ACR 1996-97

The casual attitude of deptt. Devastated my career and I was not considered for promotion when at the last moment an adverse remarks was placed in my ACR.

4. Also, the Memo No. SD/GE/A-73/PF/4684 dated 29.4.99, speaks about issue of about a half dozen memos to me to amend my professional attitude. Truly speaking - I do not remember those memos. This creates a doubt in my mind that some " mala fide intention" was behind this.

Sir, I have full faith in your pious justice and I know you will show a very kind gesture by promoting me to the post of SAO with keeping intact my seniority.

This is for your kind and n/a pl.

Yours faithfully,
Sd/- Illegible
N.K.Sinha
C.O. SSB, Balat
Shillong div.
Meghalaya

*Altered
Jew
Pew's cal*

BLT/Estt/21/PF/CO SSB/2001/26
O/o the C.O. SSB, Balat

Annexure-XV

Dated 18.6.2001

To
The Jt. Secretary,
Public Grievance Cell
Ministry of Home Affairs
North Block
New Delhi-110001.

Through - The Proper Channel.

Sub : **Redressal of Grievance in r/o promotion.**

Sir,

With due regards and humble submission I am herewith putting before you my grievance and seek its redressal from your end please.

I am working as Circle Organiser in the deptt. Of S.S.B. (Special Service Bureau, M.H.A. w.e.f. 11.2.1992.

I am superseded on 10th of July' 98 vide SSB DTE MSG No. 1596-97. But surprised to know that an adverse remarks which received by me on 2.9.98 and signed by the D.O., SSB, SB Div. On 24th July'98 was the cause of my supersession.

I believe that some Malafide intention played against me. The deptt. Stopped me to be come. SAO by putting an adverse remarks at the last moment say later moment . So I am very much grieved.

As the deptt. Broke all the norms and conduct set by UPSC and CCS Rules and regulated its own pocket rule. Since 1998 I am the deprived person and constantly requesting the higher ups for a matured gesture by giving me promotion with due seniority.

Sir, for your convenience I am herewith attaching all the necessary documents and a photostate copy of recent representation to Hon'ble D.G. SSB.

I greatly need your kind and early action to redress my grievance. I shall be highly obliged for your earliest kind reply on this matter.

With all warm regards.

Enclosures : A/a

Yours faithfully,
Sd/- N.K.Sinha 18.6.01
C.O. SSB, Balat
O/o the D.O., SSB
Shillong Div. (Meghalaya).

*Stephan
Jain
Devaraj*

Annexure-XVI

Extract copy of Dte Memorandum No. 14/SSB/A2/91(74)F/1668 dated 1.9.01 regarding representation dated 18.6.01 submitted by CO N.K.Sinha for his Promotion to the Rank of SAO.

XXXXXX

XXXXXXX

XXXXXXX

The above mentioned representation addressed to Joint Secretary (MHA) was forwarded to the MHA along with the connected papers. The MHA have observed that Shri N.K.Sinha, Circle Organiser has not brought any new material facts worth consideration. As such they have rejected the same being devoid of merit.

XXXXXX

XXXXXXX

XXXXXXX

Memo No. SD/GE/A-73/PF/13648

Dated 15.10.01.

Copy to :

The Area Organiser, SSB, Meghalaya Area for information and necessary action please. He is requested to informed the Officer concerned accordingly.

Sd/- Illegible
Area Organiser(Admn)
SSB, Shillong Division, Shillong.

Copy Forwarded to

The Circle Organiser, SSB, Balat Circle for information.

Sd/- Illegible 30.10.01
Area Organiser, SSB,
Meghalaya Area
Shillong

*Addressed
Mr.
Paro^o cate*

18 MAR 2001
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH :::: GUWAHATI.

OA NO. 475/2001

Shri N.K. Sinha, C.O. Applicant

- Vs -

Union of India and Others Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Counter Affidavit	- 01 to 07
2.	Verification	- 08
3.	Annexure - I	- 09 to 11
4.	Annexure - II	- 12 to 17
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57
16/3/02
(A. DEB ROY)
Sr. C. C. J.
C. A. T. Guwahati Bench

18

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH : GUWAHATI.

OA NO.475/01

Shri N.K. Sinha, Circle Organiser ... Applicant

- Vs -

Union of India and Others ... Respondents

In the matter of :-

Written statements submitted by the respondents.

The respondents beg to submit written statement as follows :-

1. That with regard to para - 1 of OA, the respondents beg to state that the submission of the applicant that the OA have been issued by the respondents rejecting the claim of legitimate promotion of the applicant is denied being incorrect and factually wrong in fact a DPC was convened on 13.2.1998 for considering promotion of eligible Circle Organisers to the rank of SAO. The applicant was also considered for promotion alongwith other eligible candidate but he could not be promoted as he was graded unfit for promotion by the DPC based on the service record of the applicant. While filling

cont'd...2...

the post of SAO by promotion selection cum merit method is to be employed. The minimum bench mark prescribed for the post of SAO which is in the pre-revised scale of Rs.2000-3500/- is GOOD. While the bench mark would continue to be GOOD the DPC shall grade the officers as GOOD, AVERAGE and UNFIT ONLY. Only those officers who obtained the grading GOOD will be included in the panel in the order of their seniority in the lower grade subject to availability of vacancies. The post of SAO is governed by the Junior Service Executive Rules and the promotion to the rank of SAO is made as per the non-selection method. Since the applicant failed to attain the minimum bench mark of good required for promotion, he became unfit for promotion.

2. That with regard to para - 2 & 3 of OA, the respondents beg to offer no comments being the same are matters of record.
3. That with regard to paras 4.1 to 4.4 of OA, the respondents beg to offer no comments being the same are matters of record.

cont'd...3...

-: 3 :-

4. That with regard to para - 4.5 of OA, the respondents beg to state that the factual position with respect to this para has already been narrated in the reply furnished to para - 1 of the OA which is reiterated here. As the petitioner failed to attain the minimum bench mark of good required for promotion to the rank of SAO to his juniors who attained, the minimum prescribed bench mark accordingly got approved for promotion and superseded the applicant.

5. That with regard to para - 4.6 of OA, the respondents beg to offer no comments being the statements are matters of record.

6. That with regard to para - 4.7 to 4.9 of OA, the respondents beg to state that the factual position regarding issuance of Memorandum dated 24.7.98 by the Respondents Office and representation dated 18.9.98 submitted by the applicant is admitted. The representation was duly considered by the Competent Authority but rejected under intimation to the applicant. It is pertinent to mention here that it was not only on the basis of this adverse remarks against the

cont'd...4...

-: 4 :-

individual that he was found unfit for promotion but his being unfit was as a consequence of entire service records which was taken into consideration as per the rules by the DPC. Further the applicant was time and again advisory Memo. for improving his way of functioning and professional skills which the applicant failed to improve.

7. That with regard to para - 4.10 of OA, the respondents beg to state that the contention of the applicant that based on some unfiubded allegations his promotions was not effected denied factually incorrect. The reasons for non-promotions of the petitioner have already been projected in the reply furnished to para - 1 of the OA and the same is reiterated here for sake of brevity.

8. That with regard to para - 4.11 & 4.12 of OA, the respondents beg to state that the factual position with respect to furnishing of representations by the applicant is admitted however it is denied that the same were not considered by the respondents. All the representations made by the applicant were duly consid-

cont'd...5...

72

-: 5 :-

ered and action taken on them under intimation to the applicant. In fact the applicant has himself annexed copies of the replies given to him by the respondents.

9. That with regard to para - 4.13 to 4.16 of O.A., the respondents beg to state that the contention of the applicant is denied being factually incorrect. It was not only on the basis of the adverse remarks mentioned in the ACR for the year 1996-1997 that the applicant was not promoted. In fact the applicant did not have satisfactory record for the maximum period that was taken into consideration by the DPC. The DPC had on 13.2.1998 evaluated the service records of the applicant alongwith other eligible candidates for the preceding five years i.e. from 1992-93 to 1996-1997 and based on the same graded the individuals as fit or unfit. As the applicant was graded unfit based on the service records of the preceding five years the applicant could not be promoted. While filling the post of SAO by promotion selection cum merit method is to be employed. The minimum bench mark prescribed for the post of SAO which is to be employed. The minimum bench mark prescribed for the post of SAO which is in the

cont'd...6...

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92-93
93-94
94-95
95-96
96-97

pre-revised scale of Rs.2000-3500/- is GOOD. While the bench mark would continue to be GOOD the DPC shall grade the officers as GOOD AVERAGE and UNFIT ONLY. Only those officers who obtained the grading GOOD will be included in the panel in the order of their seniority in the lower grade subject to availability of vacancies. Finally the committee recommended the promotion of 15 Circle Organisers to the rank of Sub-Area Organisers in the order of merit as a consequence of which some juniors of the applicant were also recommended for promotion as they were found fit for promotion by the DPC. Further the Allegation of the applicant that he was not considered for promotion is denied being factually incorrect. The applicant was duly considered by the DPC but since he was found unfit he could not be promoted. The respondents have conducted the DPC as per the Rules and Instructions and no illegality whatsoever has been committed.

10. That with regard to para - 4.17 of OA, the respondents beg to state that the detailed factual position highlighted above would reveal that there is no merit in the case of the applicant and the same requires to be dismissed in limine with costs.

cont'd...7...

24

-: 7 :-

11. That with regard to para - 5.1 to 5.6 of OA, the respondents beg to state that factual position with respect to the grounds has already been narrated in the reply furnished to various paras of the OA and same is reiterated here for the same of brevity.
12. That with regard to para - 6 & 7 of OA, the respondents beg to offer no comments.
13. That with regard to paras - 8.9, 10 to 12 of the OA, the Respondents beg to offer no comments. These are matter of records.


In the light of the forgoing submissions it is most respectfully prayed that the instant OA be dismissed as the same is devoid of merit.

V E R I F I C A T I O N ...

V E R I F I C A T I O N

I Shri Kuldip Singh Katoch. S/o Late Karan Singh Katoch. being authorised do hereby verify and declare that the statement are true to best of my knowledge. information and believe and I have not suppressed any material facts.

And I sign this verification on this 13th day of March, 2002 at Shillong

Identified by

(Raghvendar Jha)
Hodgson
Shukla

Kuldip Singh Katoch

Declarant

Divisional Organizer, SSP
Shillong Division
Shillong- 793001



Received
13/3/02
JUDGE
RATE FIRST CLASS
AT SHILLONG.

No. 14/SSB/A2/91(74)-II -1089
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSB,
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

Dated, the, 16/4/99

MEMORANDUM

Please refer to your letter No. ST/GE/A-73/PF/15079, dated. 18.12.98 forwarding therewith representation No.VII/Estt/21/PF/CO/98/51, dated, 16.11.98 addressed to the Principal Director by Shri N.K. Sinha, Circle Organiser regarding his supersession in promotion due to adverse remarks in the ACRs for the year 1996-97 and expunction of adverse remarks.

2. The undersigned has carefully perused the representation dated, 16.11.98 submitted by Shri N.K. Sinha, Circle Organiser alongwith his previous representation regarding expunction of adverse remarks and other communications sent by the Divisional Organiser, South Bengal Division and others referred to in his above representation. The points broadly raised by Shri Sinha in his representation and the factual position is indicated as under:-

(a) Promotion of his juniors:-

As already intimated to Shri N.K. Sinha, Circle Organiser, vide SSB Directorate Memo No. 14/SSB/A2/91(74)-II/4354 dated, 9.10.98, his name was considered for promotion as Sub-Area Organiser by the DPC alongwith other Circle Organisers but as he could not make the grade, he was not recommended by the DPC for promotion even though he was senior to some of the Circle Organisers recommended for promotion. The post of Sub-Area Organiser being a selection post, an officer with adverse remarks cannot expect to be promoted and the DPC rightly did not recommend his case for promotion. His case would, however, be considered for promotion again as and when

Contd.... 2/-

(10)
27
X

vacancies of promotion quota become available.

ii) (b) Expunction of adverse remarks in his ACR for the period 1996-1997.

Shri Sinha has contended that adverse remarks were communicated to him belatedly and that he was not given any Memos to improve his shortcomings. In this connection, it has been observed that reasonable opportunity had been given to Shri Sinha to show improvement in the shortcomings as noticed during the course of performance of his duties, the following Memos were issued to him:-

- i) Dy. Commandant, GC Krishnanagar letter No. III/802/GCK/PA/450406 dated, 4.5.96.
- ii) Commandant, GC Krishnanagar, Memo No. VIII/883/GCK/92(PA)-4808-25 dated, 15.5.96.
- iii) AO, Krishnanagar, Memo No. V/409/Cash/95-96/6544-46, dated, 9.7.96.
- iv) Commandant, GC Krishnanagar, Memo No. VIII/826/GCK/PA/8085-87 dated, 4.9.96.
- v) Commandant, GC Krishnanagar, Memo No. IV/Area/GCK/Trg/92(Q)-472-74 dated, 15.1.97 and
- vi) Deputy Commandant, GC Krishnanagar Memo No. F-III/149/GCK/Trg/VC/VII-1359-61 dated, 15.2.97.

Shri Sinha, did not bother to bring any improvement in his casual attitude while dealing with official matters or in his professional ability despite the issue of above advisory Memos. It is, thus, clear that the adverse remarks recorded in the ACRs of Shri N.K. Sinha, Circle Organiser are the reflection of his casual performance as noticed by both the Initiating and Reviewing Officers.

Contd....3/-

(At 11)

In view of this the undersigned is of the opinion that there is no cause for expunging any of the adverse remarks. He should take these remarks in the spirit and try to improve.

(c) Communication of adverse remarks and affording of opportunity to represent against the adverse remarks communicated.:-

The adverse remarks given in his ACRs for the year 1996-97 pertains to the period, Shri Sinha worked in South-Bengal Division. He was communicated the adverse remarks and was afforded ample opportunity to make representation. His representation was duly considered by the Divisional Organiser, SB Division & rejected. The undersigned also considered all communications in this regard and is satisfied that reasonable opportunity was afforded to him & his representation (s) were considered by the quarters concerned. ✓

3. Further, Shri N.K. Sinha has also approached, Smt. Reeta Verma, Hon'ble Member of Parliament &, thus, violated provisions of Rule-20 of CCS Conduct Rules, 1964 by exerting political pressure in furtherance of his career interest. This has been viewed seriously & for this explanation of Shri Sinha, is being obtained separately.

4. Shri N.K. Sinha, Circle Organiser may please be informed suitably.

hssn
 (N.S. SANDHU) 499
 DIRECTOR: SSB.

TO,

The Divisional Organiser, SSB,
 Shillong Division,
Shillong.

P S S NEGI
Dy. MANDANT

My dear

Sinha

4-5-96
6/5/96

6

You are aware that report regarding demographical changes is submitted to the Div. Hqr. by the 1st week of following month. It pains me to inform you that report for the month of April '96 is still awaited from you. Needless to point out that your Hqr. is the nearest one to the Area Hqrs. and a little sincerity from your part could have avoided the delay. Due to non-submission of report from you the entire matter is pending at Area Hqr. which is not a healthy trend. I will request you to please submit the said report to this office by 6th May '96 to avoid complications.

Incidentally, you are aware that Civic Action Exercise in your circle is scheduled to be held w.e.f. 25.5.96 and the plan of the exercise is still awaited despite verbal instructions passed on to you. I have reason to believe that in the event of late submission of required report from your end will not only delay the process but also may warrant administrative problems at the later stage.

I, therefore, request you to please expedite the above reports to this office through your S.A.O. latest by 6th May with sincere advise to please be meticulous in future in submitting the time bound reports to this Hqrs.

Please acknowledge receipt of this letter.

Yours

Sincerely

TO,
Shri N.K. Sinha,
C.O., SSB, Krishnanager Circle.

Copy to :

1. The S.A.O., Ranaghat for information and necessary action please.
2. Personal file of Sh. N.K. Sinha, C.O.

(P S S NEGI) 4/1/96

6/5/96

(P S S NEGI) 4/1/96

6/5/96

C. T. C.

125/5/96

13

S.F.P.T
No: VIII/883/802/GCK/92(PA)/4808-25
119
Directorate General of Security
Office of the Commandant,
Group Centre SSB Krishnanagar
PO : Krishnanagar (Pin:741101)
SI : Radia (West Bengal)

Dated, the 15th May 1996.

Memorandum

Subject : SENDING OF W.I.R.

It is observed that no W.I.R. is being received from Circle Organiser, Krishnanagar circle despite repeated instructions on the subject. The reasons for non-submission of W.I.R. are not understood which speaks of the casual attitude by the Circle Organiser. This certainly is not a positive gesture on his part.

2. Henceforth, a record of W.I.R. being submitted by the Circle Organisers will be maintained at this Hqrs. and in the event of non-submission of the W.I.R., adverse opinion may be formed about the operational capability of the Circle Organiser concerned. Therefore all the Circle Organisers are requested to ensure timely submission of W.I.R. as the whole survival of the Organisation and Unit depend upon reporting the W.I.R. to higher Hqrs. While submitting the W.I.R., quality of the information may be kept in view and same may be graded accordingly. False or vague reporting will be viewed seriously. All the Circle Organisers are therefore, advised to submit the records on the due dates.

3. Please acknowledge receipt of this memo.

To,

Shri N.K. Tinkha,
CC/SCB, Krishnanagar circle.

CO/DIR/ACT/14/1
CC/AREA 11 N KRISHNAGAR

11/5/96
11/5/96

11/5/96
11/5/96

Copy to :

1. The L.A.Os,
Raiganj & Berhampore
Sub-Arc.
2. The C.Os,
CC/SCB, Y.C.W.L, L.D &
J.C.B. circle.

For information and
similar action.

CC/DIR/ACT/14/1
CC/AREA 11 N KRISHNAGAR

11/5/96
11/5/96

3
14
6544-46
Directorate General of Security, 8
Office of the Commandant/AO
Group Centre SSB Krishnagar,
FO: Krishnagar, Pin: 741101
Dt: Nedia, (West Bengal). 24

Dated the 9th July-96.

MEMORANDUM

Ref your letter No. III/TRG/10/COK/95-96/194
dated 4-6-96 thereby sending the adjustment accounts of
circle level Exercise held in your circle wef 25-05-96 to
30-05-96 for Rs.11,002/-.

The following observations are made to comply
with immediately.

a) The adjustment accounts has been sent to
this office directly which should have been
submitted through your SAO. You have done so
despit instructions already issued to you. The
reasons for sending the accounts directly may
be furnished.

b) The accounts is without the countersignature
of SAO which is a legal requisition. Reasons for
this omission may be intimated. Adjustment
accounts cannot be accepted without countersignature.

c) You are clearly instructed to observe the
above formalities before proceeding on leave
but you did not abide by the instructions. This
has resulted not only un-necessary correspondence
but also the adjustment accounts has been
heldup. This laps is being viewed seriously and
the same is being placed in record.

You are directed to explain the reasons for
above lapses. Your reply should reach the undersigned by
10-07-96 without fail.

AREA ORGANISER
SSB KRISHNAGAR.

TO,

Shri N.K.Sinha.
CO. Krishnagar.

Copy to : 1. SAO, Ranaghat with the remarks the accounts
be sent after scrutiny and duly undersigned
CO may be advised and meticulous about his
duties specially while dealing with accounts
matter.

2. Personal File of Sh N.K.Sinha in Estt. BE.

14
01/7/96

No. IV/Area/Gok/PA/ 8085-87
Office of the Commandant
Group Centre 200 Krishnanager
Post : "Gokhanager" (741101)
Distl : Nadia (West Bengal). 25

15

Dated, the 4th Sept 1995.

MEMORANDUM

Circle Organiser Krishnanager, please refer to his letter No. 1/95/15/GOK/95-96/233 dated 21-3-96 submitting compliance of observations raised by Shri B.K. Pal Sub-Commander/Sub-Area Organiser, Ranaghat during inspection of Circle Organiser office.

2. Circle Organiser Krishnanager was directed vide endorsement No. VIII/826/GOK/91 (PA)/1957-58 dated 24-2-96 to submit the compliance of observations by 5th March '96 positively whereas he has submitted the compliance report vide above referred letter after lapse of about 6 months which sparks his casual attitude to comply the instruction of higher Hqrs.

3. He is advised to be punctual to comply with the instructions of higher Hqrs within stipulated time otherwise a serious view will be taken in future on such types of lapses.

Commandant
GC 200 Krishnanager.

TO,

Shri N.K. Sinha,
Circle Organiser,
Krishnanager.

Copy to :-

1. Sub-Area Organiser, Ranaghat for information.

Personal file.

Commandant
GC 200 Krishnanager.

2 (GK)

COPY.

CONFIDENTIAL.

No. IV/Area/3CK/TGR/92 (Q)/472-74
Directorate General of Security,
Office of the Commandant/AO,
GC SSB Krishnanagar,
PO : Krishnanagar (Pin-741101)
DT : Nadia (West Bengal).

16

Dated the 15th Jan '97.

Memorandum.

Please refer your letter No. Nil dated 12-1-97
regarding non-availability of stores for Circle level
Civic Action Exercise of Krishnanagar A.O.P.

In this regard you are instructed to explain the
reason as mentioned below:-

1) Mobile stage was very much available in GC
Hqr. but the same was not collected by NK.
Chandan Sarkar on 12-1-97. This matter could
have been shorted out by you when you had
visited my chamber on 12th January. Similarly,
CGI sheets are very much available with GC Hqr.
but the same was not collected by you.

Similarly, other items mentioned in your letter
could have been collected well in advance but you failed
to do so. You are therefore advised to take instructions
seriously and avoid making false statement which are
un-becoming of an officer.

Receipt of this may be acknowledged.

Sd/- 15-1-97
COMMANDANT/AO
GC/AREA SSB KRISHNANAGAR.

To,

Shri N.K.Sinha,
Circle Organiser,
SSB Krishnanagar Circle.

Copy to:-

1. The Sub-Area Organiser, SSB, Ranaghat Sub-Area. He is directed to keep watch on the performance of Sh. N.K.Sinha and also to guide him from time to time in performing his duties sincerely and efficiently.
2. Personal file of Shri N.K.Sinha.

CTC

Sd/- 15-1-97
Commandant/AO
GC/AREA SSB KRISHNANAGAR.

LeBros
02/2/02
QUARTER MASTER.
GROUP CENTRE, SSB
Krishnanagar, Nadia.

CONFIDENTIAL

No.III/149/GCK/TRG/Vol-VII/1359-61
Directorate General of Security
Office of the Commandant,
Group Centre SSB Krishnanagar
PO : Krishnanagar (Pin:741101)
DT : Nadia (West Bengal)

17

Dated, the 15th Feb. '97.

Memorandum

Subject : SUBMISSION OF REVIEW REPORT OF RTC OF KRISHNAGAR CIRCLE.

This has reference of your letter No.III/TRG/52-A/SAO-HGT/1117 dated 07.2.97 thereby sending the Review Report on the RTC held in Krishnanagar circle w.e.f. 03.12.96 to 23.12.96.

On perusal of report, it is seen that the Review Report has been sent by you after a period of about one and half month. Such delay may be justified.

Besides above no signature of C.O., Krishnanagar has been endorsed in the report which speaks of extreme casualness on your part and the same is being kept in record for further reference at appropriate time and place as you have miserably failed to comply with the orders/instructions of the higher Hqrs. and it appears that you do not possess the spirit of abiding by the instructions and guidelines.

On number of occasions you have been briefed verbally and in writing as well but I failed to understand as to why you are taking things so lightly. Your performance have been watched very closely and there are reasons to believe that you have hardly put in any efforts to improve your performance in every field as a Circle Organiser.

The Review Report is being returned herewith to do the needful immediately and return the same after meeting the observations and giving justification on the above points as this last opportunity being given to you to improve your performance and not to take things casually failing which suitable action will be initiated. Your explanation alongwith the report should reach this office latest by 15.2.97 without failing which ex parte decision will be taken.

Otherwise,

Encls: As above

1572
By. Commandant
Group Centre SSB
Krishnanagar

To,
Shri N.K. Sinha, CO,
I/C, SAO, Ranaghat Sub-Area,

Copy to :

1. Div. Hqr., SSB, SB Division, Calcutta for information please.
2. The Commandant, GC.SSB.K/Nagar for information please.
3. Personal file of the Officer.

1572
By. Commandant
Group Centre SSB
Krishnanagar

C.T.C.
57402
ADJUTANT
GROUP CENTRE SSB
KRISHNAGAR

No. 14/SSB/A2/91(74)-II
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSB,
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

Dated, the 31st March, 1999.

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MEMORANDUM

Prof. Smt. Rita Verma, Hon'ble Member of Parliament, through her letter No. 510/Mp/DNB/43/98 dated, 28.11.98, requested Cabinet Secretary to look-into the promotion case of Shri Navendu Kumar Sinha, Circle Organiser, Balat, Shillong Division.

2. As per Rule-20 of the CCS (Conduct) Rules, 1964, no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Government. Hon'ble Member of Parliament, normally sponsor the case of individual Govt. servants only when they are approached or pressed to do so. Since a reference has been received from Hon'ble Member of Parliament it would be assumed that it has been taken up only at the instance of the Govt. servant as provided in the said rule.

3. Before further action is initiated against Shri Navendu Kumar Sinha, Circle Organiser, Balat, it is requested that his explanation may please be called and sent to this Directorate for taking further action as provided in the rules.

4. This issues with the approval of Director: SSB.

(S.S. Bora)
Joint Deputy Director (EA)

To,

The Divisional Organiser,
Shillong Division,
Shillong.

Page

No.21/SSB/A2/98(1)
 Directorate General of Security
 Office of the Director, SSB,
 East Block- V, R.K.Puram,
 New Delhi-110066.

Dated the 28.1.1998

MEMORANDUM

Subject:- Seniority list of Circle Organisers as on 31.1.1998.

The up-dated seniority list of Circle Organisers as on 31.1.98 is enclosed. The seniority list may please be circulated amongst the Circle Organisers for which required number of copies are enclosed.

2. Divisional Organisers may also satisfy the correctness of the seniority list and ensure that no officer of their Unit is left out from the list besides verification of their belonging to SC and ST community. The instructions contained our Memo No. 21/SSB/A2/86(1) dated 1.10.86 may please be strictly adhered to while circulating the seniority list among the COs and commissions discrepancies, if any, brought to our notice latest by 15.3.1998.
3. The names of Circle Organisers who joined in 1997 have not been reflected in this Draft Seniority List. Their names will be circulated when all the COs in the select panel join.
4. Please acknowledge receipt.

Karan Singh
 (KARAN SINGH)
 ASSISTANT DIRECTOR (EA)

To,

1. The Divisional Organisers J&K/HP/UP/NB/NA/AP/R&G/SB/SHG/Manipur and Nagaland Divisions.
2. The Deputy Inspectors General, FA Gwadlam, IC Sarahan/Saloni-bari/Haflong/Kumarsain J&K.
3. The Assistant Director (Estt) SPG, 1st Safdarjung Lane, New Delhi. He is requested to circulate the seniority list to Miss Anita(Passi) Vinayak, CO, at present, on deputation to your organisation.

DRAFT SENIORITY LIST OF CIRCLE ORGANISERS IN ASB AS ON 31.1.98.

S.No.	Name	Date of Birth	Edu.	Date of joining in Govt.	Date of joining as C.O.	Date of confirmation.
1.	2.	3.	4.	5.	6.	7.
S/Shri.						
1.	S.C. Biswas	31.1.46.	BSc.	13.7.73.	13.7.73	12.11.88
2.	Lalit Mohan Singh	25.1.61.	BA.	18.11.85	18.11.85	12.11.88
3.	Robunga (ST)	1.3.45.	Matric.	11.8.75.	11.8.75	Temp.
4.	R.N. Anal (ST)	1.3.48.	BA.	1.5.76	1.5.76.	Temp.
5.	Kashi Nath Singh	17.1.53.	MA.	29.7.71.	31.1.89	Temp.
6.	S.P. Lama	1.4.42.	U/Matric	12.11.88.	12.11.88	Temp.
7.	B.K. Ghosh	30.11.44.	BSc.	-	12.11.88	Temp.
8.	P. Gangopadhyay	4.2.55.	BA.	-	12.11.88	Temp.
9.	M.K. Bera	1.4.48.	MA.	-	12.11.88	Temp.
10.	M.K. Sarkar	1.4.51.	BSc.	-	12.11.88	Temp.
11.	John J. Tejo Sangma (ST)	8.2.49.	BA BEd.	-	5.2.90	Temp.
12.	B.S. Negi	2.7.42.	BScPt-I	-	5.2.90	Temp.
13.	Miss Anita (Passi) Vinayak	28.9.60.	BA.	15.7.91.	15.7.91	Temp.
					on deputation to SPG.	
14.	Navendu Kr. Sinha	10.12.64.	BSc. (Hons)	11.2.92.	11.2.92.	Temp.
15.	Nutan Kr. Kandpal	20.6.64.	BA.	4.9.91.	4.9.91.	Temp.
16.	Kuldeep Singh	10.1.61.	MA.	23.10.91.	23.10.91	Temp.
17.	Ranjan Chetia	1.12.63.	Com.	1.11.91.	1.11.91	Temp.
18.	Nirmalendu Ray	29.1.57.	BA.	10.10.91.	10.10.91	Temp.
19.	Kunwar Virendra Singh Panwar.	17.6.63.	MA BEd.	23.2.92.	23.2.92.	Temp.
20.	Subrato Bose	23.2.67.	BA.	1.11.91.	1.11.91	Temp.
21.	Kuldeep Singh Chauhan	23.1.68.	MA.	8.11.91.	8.11.91.	Temp.
22.	M. Nandp Singh	21.3.64.	BVSC & AH	21.12.91.	21.12.91	Temp.
23.	Tilak Gogoi	1.1.57.	HSSLC	7.10.91.	7.10.91.	Temp.
24.	Manjit Singh Raja	26.3.63.	BCom.	30.10.91.	30.10.91.	Temp.
25.	Pradip Kumar	1.7.67.	Inter.	4.10.91.	4.10.91.	Temp.
26.	Biraj Barthakur	1.7.61.	BA.	12.10.91.	12.10.91	Temp.
27.	Nitish Ch. Sen.	8.1.64.	BCom.	11.11.91.	11.11.91.	Temp.
28.	Raj Kumar Thakur	26.1.66.	BA.	19.10.91.	19.10.91.	Temp.
29.	Pranab Borpatra Gohain	1.3.60.	BSc.	14.5.92.	14.5.92.	Temp.
30.	Lok Nath Baishya	21.4.60.	BA.	8.11.91.	8.11.91.	Temp.
31.	Virendra Singh Beniwal	5.10.62.	MA BEd.	27.1.92.	27.1.92.	Temp.
32.	Rakesh Ranjan Bhatt	22.10.65.	MA.	7.1.92.	7.1.92.	Temp.

Sntd....2/P.

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8/11/2

1.	2.	3.	4.	5.	6.	7.
33.	Animesh Kr. Singh	7.9.62	BSC	23.3.92	23.3.92	Temp.
34.	Manohar Pradhan	19.10.62	BCoM	16.4.92	16.4.92	Temp.
35.	Ashok Kr. Singh	15.1.66	MSc.	28.11.92	28.11.92	Temp.
36.	Manoj Kr. Sharma	14.1.63	B.Com	8.10.91	8.10.91	Temp.
37.	Uma Sharma	1.9.63	B.A.(H)	18.4.92	18.4.92	Temp.
38.	Jugaleshwar Saikia	1.4.66	BSc.	27.4.92	27.4.92	Temp.
39.	Hari Prasad Sahu	12.8.65	BA (H)	7.10.91	7.10.91	Temp.
40.	Soumitra Dutta	23.10.65	BSc.	18.3.92	18.3.92	Temp.
41.	Bhaskar Hazarika	16.7.66	BA	4.3.92	4.3.92	Temp.
42.	Mathukmalli Krish- na Mohan	20.8.68	BSc. (H)	29.6.92	29.6.92	Temp.
43.	Manish Sinha	3.9.66	B.Com	23.11.91	23.11.91	Temp.
44.	Tapash Roy	3.1.62	M.Com	1.4.92	1.4.92	Temp.
45.	Samson Gahatraj	29.1.65	BA	13.4.92	13.4.92	Temp.
46.	Miss Anjali Sinha	1.1.58	BA	11.10.91	11.10.91	Temp.
47.	Dumo Lomi(ST)	1.4.66	BA	1.6.92	1.6.92	Temp.
48.	Passang Tsering Lepcha (ST)	1.1.67	B.Com	20.3.92	20.3.92	Temp.
49.	Deepak Ranjan Das (SC)	1.1.60	M-Com.	16.4.92	16.4.92	Temp.
50.	Gautam Roy (SC)	30.1.62	B.Com.	30.9.92	30.9.92	Temp.
51.	Bimal Ch. Roy (SC)	11.9.61	M.Com.	23.4.92	23.4.92	Temp.
52.	Kegio Siga (ST)	13.3.65	BA	11.10.91	11.10.91	Temp.
53.	Newang Rigzen (ST)	2.2.56	BSc.	7.2.92	7.2.92	Temp.
54.	Madhab Ch. Roy (SC)	9.2.66	BA	31.3.92	31.3.92	Temp.
55.	Tagam Hami (ST)	27.7.68	Hr.Sec.	26.7.93	26.7.93	Temp.
56.	Ashim Kr. Basu (SC)	7.2.63	Hr.Sec.	4.3.92	4.3.92	Temp.
57.	Sidheshwar Borah (SC)	28.1.67	BSc.	1.11.91	1.11.91	Temp.
58.	Subhash Ch. Roy (SC)	16.7.67	BSc.	12.3.92	12.3.92	Temp.
59.	Sushanta Mallik (SC)	2.12.67	B.Sc.	9.3.92	9.3.92	Temp.
60.	Jyoti Prakash Roy (SC)	28.1.63	BA	22.4.92	22.4.92	Temp.
61.	Om Prakash (SC)	2.2.64	BA	15.6.92	15.6.92	Temp.
62.	Subrato Sarkar (SC)	1.5.62	BA	3.10.92	3.10.92	Temp.
63.	Jagdish Prasad Arya (SC)	3.7.56	Inter	13.5.92	13.5.92	Temp.
64.	Sujit Ch. Mandal (SC)	9.1.67	BA	25.6.92	25.6.92	Temp.
65.	Manoj Kr. Sinha (SC)	2.1.68	B.Com	28.9.92	28.9.92	Temp.
66.	Sushanta Moy Das (SC)	3.7.58	PUC	31.12.91	31.12.91	Temp.
67.	Udai Prakash Sankhwar (SC)	16.1.59	BA (P-II)	23.5.92	23.5.92	Temp.
68.	Parimal Ch. Roy (SC)	2.1.67	BA	1.10.92	1.10.92	Temp.

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1.	2.	3.	4.	5.	6.	7.
69.	Sanjeev Singh Pal	4.4.68	BA	13.9.93	13.9.93	Temp. (Through LDCE)
70.	Tika Ram Newar	19.10.67	Hr.Sec.	12.8.93	12.8.93	-do-
71.	Binod Bujar Baruah	20.6.57	BA	15.7.93	15.7.93	-do-
72.	Rakesh Kumar	2.1.67	BSc.	21.8.93	21.8.93	-do-
73.	Bhushan Joshi	5.3.67	BSc.(P-II)	29.7.93	29.7.93	-do-
74.	Samir Kr. Sarkar	13.4.64	BSc.	22.7.93	22.7.93	-do-
75.	Lalsownien Kunget 9(ST)	22.6.66	BA	18.6.93	18.6.93	-do-
76.	Rajendra Nath Roy (SC)	7.8.60	BA	1.7.93	1.7.93	-do-
77.	Shamsher Singh	1.1.68	MA	1.2.94	1.2.94	Temp.
78.	Miss Usha	9.8.68	BA(H)	6.6.94	6.6.94	Temp.
79.	Devichand	2.12.61	BA	6.5.94	6.5.94	Temp.
80.	Deep Chand Pant	26.1.60	MSc. LLB	13.2.95	13.2.95	Temp.
81.	Jaswant Singh	4.4.61	BA, BEd, LIB	27.9.94 (AN)	27.9.94	Temp.
82.	Vikash Marwah	16.3.71	BA	28.4.94	28.4.94	Temp.
83.	Jiwan Singh	27.3.65	B.A.	20.6.94	20.6.94	Temp.
84.	Kanchan Deep Singh	2.5.65	MA	25.3.94	25.3.94	Temp.
85.	Anil Kr. Sharma	7.5.66	BSc.	3.5.94	3.5.94	Temp.
86.	Sanjeev Chandel	9.10.66	MPhil	23.4.94	23.4.94	Temp.
87.	Nitin Rai Gupta	17.9.69	MSc.	11.7.94	11.7.94	Temp.
88.	Rameshwar Dutt	25.8.64	MA	2.5.94	2.5.94	Temp.
89.	Nirbhey Singh	25.4.67	BA	29.4.94	29.4.94	Temp.
90.	Jagmohan Khati	88. 69	B. Com	28.4.94	28.4.94	Temp.
91.	Bhabajit Nandi	18.7.71	B.Com	10.5.94 (AN)	10.5.94	Temp.
92.	Pradeep Kumar	30.12.62	MPhil	19.8.94	19.8.94	Temp.
93.	Raman Tiagi	30.6.69	MA	6.7.94	6.7.94	Temp.
94.	Satish Kumar	15.5.70	BA, BEd.	9.5.94	9.5.94	Temp.
95.	Manoj Kumar	26.3.63	BA	29.4.94	29.4.94	Temp.
96.	Sarwan Kumar	1.12.64	MA	29.4.94	29.4.94	Temp.
97.	Mukhul Rawat	14.9.66	BSc.	10.5.94 (AN)	10.5.94	Temp.
98.	T. Paukhanmang (ST)	1.3.64	M.Sc.	7.2.95	7.2.95	Temp.
99.	Kamaljeet Singh	25.4.65	BA	25.4.94	25.4.94	Temp.
100.	Devender Singh Aswal.	4.6.71	MSc.	12.9.94	12.9.94	Temp.
101.	Manoj Keshav	3.5.69	MPhil	15.6.94 (AN)	15.6.94	Temp.
102.	Arjun Singh	4.4.65	MA	18.6.94	18.6.94	Temp.
103.	Balvinder Kumar (SC)	24.12.67	BA	27.4.94	27.4.94	Temp.
104.	Yangkhom Chaoba Sinch (SC)	3.12.69	BA	24.6.95 (AN)	24.6.95	Temp.
105.	Rigzan Wangail (ST)	3.12.66	BA	19.4.94 (AN)	19.4.94	Temp.

1	2	3	4	5	6	7
106.	Shankara Charya (SC)	31.8.67	BA	6.4.94	6.4.94	Temp.
107.	Partha P. Biswas (SC)	16.12.70	BSc.	27.9.94	27.9.94	Temp.
108.	Saligram (SC)	10.1.62	BA	16.8.83 (FN)	28.2.94	Temp.
109.	S.K.Badola,	30.6.65	BSc.	3.8.92	29.8.96	Temp. (Through LDCE)
110.	Tapas Karmakar	16.10.68	BCom	15.11.90	9.10.96	-do-
111.	Sanjeeb Negi	25.5.67	MSc. (Maths)	21.6.90	12.8.96	-do-
112.	Ashok Kumar	15.6.66	BA (H)	12.2.88 (I.B.)		
				10.5.93 (SSB)	27.8.96	-do-
113.	Dalbir Singh	13.3.70	MSc (Physic)	16.7.92	14.8.96	-do-
114.	Shailendra Singh	17.9.68	BSc.	17.8.92	22.8.96	-do-
115.	Sanjib Chakraborty	16.12.66	BSc.	9.5.94	26.9.96	-do-
116.	Ajay Kranti	31.1.67	MA (His)	28.11.90	21.9.96	-do-
117.	Madan Dahal	1.11.66	BA (H)	31.12.91	30.8.96	-do-
118.	U.C. Pandey	1.7.69	BSc. (P-II)	23.5.92	13.9.96	-do-
119.	Alok Kr. Pandey	15.6.70	B.Com	23.6.94	30.8.96	-do-
120.	J. Basumatary (ST)	1.1.62	BA, BEd.	15.10.90	5.8.96	-do-
121.	Sheetal Singh Saini	20.9.66	PUC	1.7.91	10.9.96	-do-
			Diploma in Civil Engg.			
122.	Sandeep Kr. Sharma	26.10.69	BSc.	10.6.94	26.8.96	-do-
123.	Anjam Lama (ST)	14.11.67	B. Com	5.3.92	16.10.96	-do-
124.	Jagvir Singh (SC)	1.8.68	MSc.	2.11.92	22.8.96	-do-
125.	Subhash Sarkar, (SC)	15.8.63	BA	7.12.89	30.9.96	-do-

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So/42

No. 14/SSB/A2/91(74)-II
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSB,
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

4354
Dated, 9th October, 1998.

15.01.1998

MEMORANDUM

Please refer to your Letter No. 58/GE/A-73/
PF/11693-94 dated, 24.9.98 forwarding therewith
application of Shri N.K. Sinha, Circle Organiser,
regarding his promotion.

2. In this connection, it is intimated that
the promotion case of Shri N.K. Sinha, Circle Organiser
was considered by the DPC alongwith others but
Shri Sinha, could not make the grade and as such was
not approved for promotion by the DPC. Shri Sinha,
may please be informed accordingly.

3. This has the approval of Director, SSB.

S. S. Bora
(S.S. Bora)
Joint Deputy Director (EA)

Gokhale
cmh
14.XI.98.
To,
The Divisional Organiser,
Shillong Division,
Shillong.

DIRECTORATE GENERAL OF SECURITY
CABINET SECRETARIAT, GOVT. OF INDIA
OFFICE OF THE DIVISIONAL ORGANISER
S. S. B., SOUTH BENGAL DIVISION
1, HAZI MD. MOHSIN SQUARE
CALCUTTA-700 016

Confidential

23

No. 2/SSB/ACR/SB/97-98/768

DATE 28th Sept. '98

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284

ORDER

I have carefully perused the representation of Shri N.K. Sinha, C.O. dated 19.9.98 against the adverse remarks in his ACR for the year 1996-97 communicated to him vide our Confidential Memo No. 536 dated 24.7.98.

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14/X

The officer has given a monthwise account of activities undertaken by him during the relevant period and he has made a mention of various tasks assigned to him by the A.O./Commandant/Div. Hqrs. He claims that all these tasks were executed by him with utmost sincerity and alacrity & with the best of his abilities. While giving illustrations of his professional capability, he has also brought in some irrelevant matters like his endeavours to persuade a particular VIP to be a Chief Guest for an MPC. He has, in the process, mentioned the most mundane things done by him and thereby provided all the justification to the undersigned to retain the adverse observations about his professionalism and attitude.

The adverse remarks entered in the concerned ACR are of an advisory nature and should be taken in the right spirit. While supervising this officer's work, I had come across several instances of his casual approach towards his profession. Even if he has improved and become more mature lately, these remarks remain relevant to the period for which the ACR was written and therefore, shall remain unchanged.

ChCh 28/9/98
(A.K. Abrol)
Divisional Organiser

Shri N.K. Sinha,
Circle Organiser
Balat, SSB, Camp Shillong

Extract of SSB Dte Memorandum No. 14/SSB/A2/91(74)-II/2668 dated 1.9.2001 regarding representation dated 18.6.01 submitted by CO N.K.Sinha for his promotion to the rank of SAO.

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The above mentioned representation addressed to Joint Secretary (MHA) was forwarded to the MHA alongwith the connected papers. The MHA have observed that Shri N.K.Sinha, Circle Organiser has not brought any new material facts worth consideration. As such they have rejected the same being devoid of merit. "

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Memo. No. SD/GE/A-73/PF | 13648 dtd. 15, .10.01.

Copy to:-

The Area Organiser, SSB, Meghalaya for information and necessary action please. He is requested to inform the officer concerned accordingly.

Meghalaya
Area Organiser (Admin),
SSB Shillong Divn. Shillong.

7-10

23 AFR 2002
Guwahati Bench
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 475 of 2001

Shri Navendu Kumar Sinha

-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 categorically denies the statements made in paragraph 1, 4, and 9 of the written statement and begs to state that the DPC held on 13.2.1998 computed/graded the Bench mark of the applicant in an illegal and unfair manner by acting upon some uncommunicated adverse ACRs, and so grading him as unfit for promotion. As stated by the respondents in para 9 of their written statement, the DPC held on 13.2.1998 took into consideration the service records for proceeding five years i.e. 1992-93, 1993-94, 1994-95, 1995-96 and 1996-97 in respect of the applicants wherein the applicant is stated not to have satisfactory record for the maximum period. Surprisingly this fact of adverse records was not communicated to the applicant at any point of time. Even in their last memorandum dated

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Filed by the applicant
through advocate Sri
G. A. Chakravarty on
22-4-02

24.7.98 (annexed as Annexure- II with the OA) the respondents mentioned about some adverse remarks in the ACR for the year 96-97 only and did not mention of any other adverse service records of the applicant which they have now taken plea in their written statement. The adverse remarks pertaining to the year 96-97 was also communicated to the applicant only vide memorandum dated 24.7.98 (received by the applicant on 2.9.98) ie months after the completion of the whole selection/ promotion process by the DPC and that too / only when the applicant agitated against his non-selection for promotion and not earlier, surprisingly the adverse remarks for the year 96-97 as quoted by the respondents in their memorandum dated 24.7.98 also indicates that the applicant was graded as "Good" and the concluding remarks were of advisory nature only on the basis of which the DPC downgraded the Bench marks of the applicant without caring for the established procedures and settled position of law.

It is relevant to mention here that as per the settled position of law, the adverse entries in the ACR have to be communicated to the concerned government servant within one month of their being recorded. Further, a copy of the letter communicating the adverse remarks, duly acknowledged by the official concerned should be kept in the CR file. The DPC, before acting upon the Adverse ACR s shall ensure whether the aforesaid procedures have been observed and records produced before them in the file, failing which The Dpc cannot act upon the uncommunicated ACRs , if any. It has also been pronounced in number of judgments that downgrading of Benchmark/ACR cannot be done without recording reasons and communication thereof. Further, according to the Apex Court, a representation made by the concerned

official against adverse ACR cannot be rejected by the competent authority arbitrarily without recording the reasons in the file.

In the instant case, the respondents as well as the DPC violated and flouted all the procedures established by law as stated above and most arbitrarily and capriciously acted upon the uncommunicated ACR thus depriving the applicant from his legitimate promotion and promoting the persons junior to him in an illegal and unfair manner.

2. That the applicant categorically denies the statements made in paragraph 6,7&8 of the written statements and begs to submit that the applicant never received any advisory memo as stated by the respondents and at no point of time the applicant was informed of any shortcomings on his part. It was only after the whole selection process and the impugned promotions were completed, the applicant was informed on 2.9.98 about some adverse remarks and that too of advisory nature in his ACR for 96-97 which was also graded as "Good" and as such was not a bar for promotion of the applicant. The expression entire 'entire service records' which the respondents have now taken plea of are subjects to strictest proof and the Hon'ble Tribunal be pleased to direct the respondents to produce all the alleged service records and proceedings of selection before the Hon'ble Tribunal to substantiate the facts vis-a-vis the uncommunicated adverse service records of the applicant which the applicant is still unaware of.
3. That in regard to paragraph 10&11 of the written statements the applicant ^{That} begs to state the applicant has become a victim of gross injustice and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the legitimate right and interest of the applicant. The prayer of the applicant

and the grounds of relief as shown are most genuine and full of merit and as such the application deserves to be allowed with cost.

4. Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to allow the original application with costs.

VERIFICATION

I, Shri Sri Navendu Kumar Sinha, Son of Sri Bimalendu Kumar Sinha, working as Circle Organiser, SSB Balat Circle, Balat District East Khasi Hills ,Meghalaya, do hereby verify that the statements made in Paragraph 1 to 4 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the ^{21st} day of December, 2002

Navendu Kumar Sinha