

30/100

3

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

(DESTRUCTION OF RECORD RULES, 1990)

M.P-160/2002 ~~admitted pg-1 to 2~~

Disposed Date-23/01/2003

**INDEX**

O.A/T.A No. 54/2001.....

R.A/C.P No. 07/2002.....

E.P/M.A No. 160/02.....

1. Orders Sheet. O.A-54/2001.....Pg. 1.....to. 2.....  
C.P-07/02 ~~admitted pg-1 to 5~~ Dropped.
2. Judgment/Order dtd. 18/09/2001.....Pg. 1.....to. 4.....allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 54/2001.....Pg. 1.....to. 47.....
5. E.P/M.P. 160/02.....Pg. 1.....to. 23.....
6. R.A/C.P. 07/02.....Pg. 1.....to. 15.....
7. W.S. ~~submitted by the respondent~~ Pg. 2.....to. 5.....
8. Rejoinder.....Pg.....to.....
9. Reply. Affidavit filed by respondent No. 1 Pg. 1.....to. 49.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit. Reply filed by respondent No. 2 pg. 1 to 40
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI, 5.

ORIGINAL APPLICATION NO. 54/2001

Dr. Brijmohan Sankaria . . . . . Applicant.

Versus

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

For the Applicant(s) H. Lakshman  
M. Boraiah  
Z. Alam

For the Respondents. C.H.S. . . . .

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form  
of a writ of Habeas Corpus  
for the purpose of the  
protection of the  
rights of the  
person. 54/22011.  
5.2.2001

Dy. Registrar.

52

9-2-2001

Service of Notice  
is served to the  
respondents vide No. 461/464  
dt. 9.2.2001.

Don

6.2.01 Present : Hon'ble Mr. Justice D.N.

Choudhury, Vice-Chairman and Hon'ble  
Mr. K.K. Sharma, Administrative Member.

Heard learned counsel for the parties.  
Application is admitted. Call for  
records. Issue notice on the respondent  
Returnable by 4 weeks. List on 8.3.01  
for orders.

Member

Vice-Chairman

lm

8.3.01 List on 9.4.01 to enable the  
respondents to file written statement.

Member

Vice-Chairman

lm

8.4.2001

Four weeks time allowed to the respond-  
ents to file written statement. List it for orders  
on 8.5.01.

Vice-Chairman

nkm

8.5.01

List on 7.6.01 to enable the respon-  
dents to file written statement.

Member

Vice-Chairman

Notice duly served  
on R. No. 3 & 4.

By  
20.6.01

7.6.01

Written statement has already been filed.  
The applicant may file rejoinder, if any, within  
two weeks.

List on 22-6-2001 for order.

K. Ushar  
Member

[Signature]  
Vice-Chairman

mb

No. rejoinder has  
been filed.

By  
16.8.01

03.07.01

Written statement has been filed. The applicant  
may file rejoinder, if any, within 2 weeks.  
List for hearing on 17-8-2001.

K. Ushar  
Member

mb

17.8.01

Adjourned on the ground of Mr H.  
Rahman's absence due to personal ground.  
List on 11.9.2001 for hearing.

K. Ushar  
Member

[Signature]  
Vice-Chairman

pg

11.9.2001

On the prayer of Mr. H. Rahman,  
learned counsel for the applicant the  
case is adjourned to 18.9.2001.

List the matter for hearing on  
18.9.2001.

K. Ushar  
Member

[Signature]  
Vice-Chairman

trd

18.9.01

Heard counsel for the parties.  
Hearing concluded. Judgment delivered  
in open Court, kept in separate sheets.  
The application is allowed in terms  
of the order. No order as to costs.

K. Ushar  
Member

[Signature]  
Vice-Chairman

pg

Received copy on  
behalf of the  
applicant  
AD Bannu  
S/o  
Advocate

12.10.2001

Copy of the Judgment  
has been sent to the Office  
for study the same to the  
Addl. C.G. & C. for the Rtd. J. & J.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 54 of 2001.

Date of Decision. 18-9-2001....

Dr. Binapani Saikia

Petitioner(S)

Sri H. Rahman

Advocate for the  
Petitioner(s)

-Versus-

Union of India & Ors.

Respondent(s)

Sri B.C.pathak, Addl.C.G.S.C

Advocate for the  
Respondent(s)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.  
THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Vice-Chairman

W

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 54 of 2001.

Date of Order : This the 18th Day of September, 2001.

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

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

Dr. Binapani Saikia,  
Daughter of Late K.C.Saikia,  
aged about 31 years,  
resident of Tarajan Phookan Road,  
Opp. Bharati Press,  
P.O. & Dist. Jorhat, Assam.

. . . Applicant

By Advocate Sri H.Rahman.

- Versus -

1. Union of India  
represented by the Ministry of  
Science & Technology,  
New Delhi.
2. The Director General,  
Council of Scientific Research,  
Anusandhan Bhawan,  
2, Rafi Marg, New Delhi-1.
3. The Director,  
Regional Research Laboratory,  
Jorhat, Assam.
4. Contoller of Administrator,  
Regional Research Laboratory,  
Jorhat, Assam.

. . . Respondents.

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

ORDER

CHOWDHURY J.(V.C)

This is the second round of litigation concerning the applicant. Admittedly the applicant worked under the respondents from 1986 to 1995. The applicant was initially appointed as a Junior Research Fellow for a period of 2 years and thereafter she was allotted to the post of Senior Research Fellow with effect from 20.10.1988. The applicant was appointed as a Research Associate with effect from 27.3.1992 to 26.3.1994 for a period of 2 years on a consolidated

contd..2

emolument of Rs.2200/- per month in the slab of Rs.2200-100-2700/-. The said arrangement was extended for a period of one year with effect from 4.4.1994 to 3.4.1995 on the existing terms and conditions. On the own showing of the respondents the applicant continued in the Regional Research Laboratory initially as Junior Research Fellow, then Senior Research Fellow and thereafter as Research Associate and thus acquired full knowledge and experience of research work. As per the materials on record the applicant is M.Sc. in Physical Chemistry. The applicant also obtained Ph.D. in 1988 while she was working as Senior Research Fellow in R.R.L. She came to this Tribunal by filing an application which was registered and numbered as O.A.443/99. By the said application she sought for a direction for permanent absorption as per the scheme for absorption of Researchers working in CSIR Laboratories. By order dated 24.12.1999 the Tribunal directed the respondents to examine and dispose of her representation within the specified period. Despite the direction issued by the Tribunal the respondents <sup>were</sup> sitting over the matter and informed the applicant that they took steps for reviewing the order of the Tribunal. From the order dated 15.5.2000 issued by the Administrative Officer the respondents are yet to dispose of her representation.

2. In the written statement the respondents though admitted that the applicant fulfilled the eligibility criteria for appointment or absorption but she did not acquire prescribed 15 years of continuous research as Fellow/Associate/Project Assistant on monthly payment basis. The respondents also stated that some other persons who were appointed through open advertisement on regular basis <sup>could not</sup> ~~cannot~~ be compared with the applicant.

3. Mr H. Rahman, learned counsel appearing for the applicant countering the assertion made by Mr B.C. Pathak, learned Addl. C.G.S.C submitted that the applicant also applied for the post against the advertisement but till now her case was not considered. Mr B.C. Pathak, learned Addl. C.G.S.C strenuously asserted that the applicant under no circumstances was entitled to be considered for absorption as per the scheme dated 3.7.1998. Mr Pathak submitted that as per the scheme one is to work for 15 years continuously as Fellow/Associate/Project Associate on monthly payment basis. Mr Rahman submitted that the applicant worked under the respondents from 1985 onwards till 1995. On the own showing of the respondents she worked for more than 9 years as Junior Research Fellow, Senior Research Fellow and thereafter as Research Associate and acquired full knowledge of research work. The only controversy raised by the respondents that she did not complete 15 years of continuous service on monthly payment basis. Mr Rahman therefore submitted that since she was rendering service in the R.R.L for about 3 years before coming of the revised circular/scheme of 1998, the applicant was atleast entitled for being considered in the light of the circular dated 13.1.81.

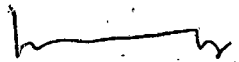
4. From the conspectus it thus emerges that the applicant rendered nine years continuous service and worked against regular vacancy and identical post, we have given our anxious consideration on the matter. The respondents despite a direction issued earlier did not pass any order. In the circumstances we are impelled to pass an order directing the respondents to consider the case of the applicant for absorption in the light of the scheme promulgated by communication dated 13.1.1981 in the post of Scientist 'C'

Group IV or any other suitable post commensurate to her educational qualification. The respondents are ordered to complete the above exercise within 3 months from the date of receipt copy of this order.

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



( K.K.SHARMA )  
ADMINISTRATIVE MEMBER



( D.N.CHOWDHURY )  
VICE CHAIRMAN

- 5 FEB 2001

गुवाहाटी न्यायापीठ  
Guwahati Bench

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
AT GUWAHATI.

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

ORIGINAL APPLICATION NO.      OF 2001

Dr. Binapani Saikia      ...      Applicant.  
Versus  
The Union of India & Ors.      ...      Respondents.

INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Body of the application	1 to 15
2.	Verification	16
3.	Circular dtd. 3.7.98 - Annexure - I	17 to 22
4.	Judgment dt. 14.5.97 - Annexure - II	23 to 32
5.	Advertisement No. 4/97 - Annexure - III	33 to 34
6.	Representation dtd. 9.10.98. - Annexure - IV	35 to 38
7.	Letter dated 30.10.98 - Annexure - V	39 to 40
8.	Letter dt. 12.5.99 - Annexure - VI	41 to 44
9.	Order dt. 24.12.99 - Annexure - VII	45 to 46
10.	Letter dt. 15.5.2000 - Annexure - VIII	47
11.	Advertisement No.4/2000 - Annexure - IX	

Filed by -

*N. Boruah*  
Advocate.

Date of Filing : 05-02-2001  
Registration No:

REGISTRAR.

- 1 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

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

ORIGINAL APPLICATION NO. OF 2001

Dr. Binapani Saikia,  
Daughter of Late K.C. Saikia,  
aged about 31 years,  
resident of Tarajan Phookan Road,  
Opp. Bharati Press,  
P.O. & District Jorhat, Assam.

... APPLICANT

-VERSUS-

1. The Union of India,  
(Represented by the Ministry of  
Science & Technology,  
New Delhi).
2. The Director General,  
Council of Scientific Research,  
Anusandhan Bhawan,  
2, Rafi Marg, New Delhi-1.

Contd.../-

*Binapani Saikia.*

10  
Dr. Binapani Saikia  
Applicant  
Through  
Nilutpal Barua, Advocate.  
5-2-2001.

3. The Director,  
Regional Research Laboratory,  
Jorhat, Assam.

4. Controller of Administrator,  
Regional Research Laboratory,  
Jorhat, Assam.

... RESPONDENTS

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

This application is made against in action of the respondents in not regularizing the services of the applicant like that of other similarly situated persons against the vacant post of Scientist in the Regional Research Laboratory, Jorhat.

II. JURISDICTION

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

III. LIMITATION.

The applicant further declares that the

Contd.../-

*Binapani Saikia*

application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

IV. FACTS OF THE CASE

1. That your humble applicant is a citizen of India and is a permanent resident of Jorhat and she was working as a research scholar in the Regional Research Laboratory, Jorhat and is eligible for permanent absorption as per the scheme framed by the authorities.
  
2. That your humble applicant passed her M.Sc. in Physical Chemistry. Thereafter, she was appointed as Guest Worker Research Scholar in 1985 by the Director, Regional Research Laboratory, Jorhat without any remuneration. It is pertinent to mention herein that the Guest Worker Research Scholars under the Regional Research Laboratory, Jorhat who work without any remuneration are supplied with books and journals and are also entitled to avail the library facilities of the laboratory. These are provided to enable the Guest Worker to develop specialized education and improve his/her quality so that he/she can be permanently absorbed after some years of practical training. Since the applicant was appointed as guest worker without any salary, it was legitimate expectation of the applicant that her appointment will be made regular in near future.

Contd.../-

*Binapani Saikia*

3. That the humble applicant states that although she was initially appointed as guest worker in 1985 since, she fulfilled the eligibility criteria she was again appointed as Junior Research Fellow by the Director, Regional Research Laboratory in the year 1986 for a period of 3 years with a stipend of Rs. 1800-2000/- p.m. along with house rent and other allowances.

4. That the humble applicant states that although her appointment as Junior Research Fellow was for only three years, as just after completion of 3 years, she was once again appointed as Senior Research fellow in the pay scale of Rs. 2000/- P.M. in the year 1988. It may be mentioned herein that while the applicant was working as Senior Research Fellow. She completed her Ph.D. in 1988 and continued to work as a Senior Research Fellow till 1992.

5. That the humble applicant states that after completion of the two years period as Senior Research Fellow she was once again appointed as Research Assistant on 25.3.92 for a period of two years by the Director, Regional Research Laboratory, Jorhat and her services was extended for a further periods by order, dated 29.3.94 and 3.4.95.

Contd.../-

*Binapani Saikia*

6. That the humble applicant states that although initially she was appointed as guest worker in the year 1985, she had been continuously working in the Regional Research Laboratory, Jorhat for more than 10 years initially as Junior Research Fellow and then, as Senior Research Fellow and thereafter as Research Assistant. Thus she acquired full knowledge and experience in Research work in the Regional Research Laboratory, Jorhat, and by virtue of which she became eligible to be appointed against the regular vacancy as per the scheme for absorption of research workers of CSIR Laboratories/institution circulated under Memo No. 3(3)-SAR/98 R&A dated 03.07.98. ✓

A type copy of the circular dated 3.7.98 is annexed hereto and marked as ANNEXURE-I

7. That the humble applicant states that although she was initially appointed for two years the term of her service was extended from time to time by various orders. However, all of a sudden by an office order dtd. 19.05.95 the services of your applicant was discontinued. It was stated in the said order dated 19.5.95 that the services of the applicant could not be extended and had to be terminated because the Assessment

Contd.../-

*Binapani Saikia*

Committee was not satisfied with the work of the applicant. As such, the services of the applicant was not extended beyond 19.05.99.

8. That the humble applicant states that some other similarly situated persons who were appointed against project scheme as Project Fellow Grade III in the Regional Research Laboratory, Jorhat and whose services were not regularized after being utilised for more than 3 years and were terminated approached this Hon'ble Tribunal. This Hon'ble Tribunal after hearing the respective parties by the Judgement dated 14.5.97 directed the respondents to regularize their services as they had completed more than 3 years service and were entitled to be regularized as per the scheme (MANAS).

A typed copy of the said Judgment dated 14.05.97 is annexed hereto and marked as ANNEXURE-II.

9. That the humble applicant states that in 1997 an advertisement No. 4/97 was published by the Regional Research Laboratory, Jorhat by which one post of Scientist 'B' Group IV(I) in Analytical Chemistry was advertised. The applicant being eligible in all respect for the said post, submitted her application as against the said advertisement.

Contd.../-

*Binapani Saikia.*

A typed copy of the said advertisement No. 4/97 is annexed hereto and marked as

ANNEXURE-III.

10. That the humble applicant states that although she had submitted her application against the advertisement and also a representation before the Director, Regional Research Laboratory, Jorhat her case for regularisation under the scheme was not considered. In fact no steps have so far taken by the respondents for regularisation of her service.

11. That the humble applicant states that on 3.7.98 the Council of Scientific and Industrial Research circulated a scheme known as "Scheme for absorption of research workers in CSIR Laboratory/Institution" for absorbing researchers working in the Laboratories. After going through the said scheme as the applicant found herself eligible for absorption in regular basis under the scheme, she filed an application on 9.10.98 before the authority for absorbing her in the Regional Research Laboratory, Jorhat as she is otherwise qualified to be appointed under the scheme.

A typed copy of the representation dated 9.10.98 is enclosed herewith and marked as

ANNEXURE-IV.

Contd.../-

*Bina pani Saikia.*

12. That the humble applicant states that there-  
after she filed another application before the authori-  
ty through proper channel on 30.10.98 with a request to  
consider her case for regular absorption under the new  
CSIR Scheme.

A typed copy of the aforesaid letter dated  
30.10.98 is annexed herewith and marked as  
ANNEXURE-V.

13. That the humble applicant states that the  
Director, Regional Research Laboratory, Jorhat also  
forwarded her application on 3.12.98 and it was assured  
that her case is under active consideration as per the  
new scheme and she will be absorbed permanently.

14. That the humble applicant begs to state that  
although her application was forwarded on 3.12.98 and a  
reminder was also issued from the office of the Direc-  
tor, Regional Research Laboratory, Jorhat for considera-  
tion the case of your humble applicant has not been  
considered for permanent absorption.

15. That the humble applicant begs to state that  
her case is for permanent absorption under the CSIR  
Scheme and as per the new scheme she deserves considera-  
tion and as such, the Director, Regional Research La-

Contd.../-

*Binapani Saikia*

boratory, Jorhat once again forwarded the case of humble applicant on 12.5.99.

A typed copy of the forwarding letter dated 12.5.99 is annexed hereto and marked as ANNEXURE-VI.

16. That the humble applicant begs to state that although she had filed her application for absorption which was forwarded by the Director, Regional Research Laboratory, Jorhat her case has not been considered by the authority till today against the available vacancy as the vacancy advertised in 1977 and 2000 has not yet been filled up by the authority. ✓

17. That the humble applicant begs to state that the Project Assistants whose case is similar as that of the applicant were regularly absorbed by the Regional Research laboratory, Jorhat as per the direction of this Hon'ble Tribunal in O.A. No. 16/95, 17/95, 18/95 and 241/94 etc.

18. That the humble applicant begs to state that the Project Assistants whose case is similar as that of the applicant were regularly absorbed by the Regional Research Laboratory, Jorhat as per the direction of this Hon'ble Tribunal in O.A. No. 16/95, 17/95, 18/95 and 241/94 etc.

Contd.../-

*Binapani Saikia.*

18. That the humble applicant begs to state that the case of your humble applicant is covered by the scheme for regularisation (MANAS) and is similar to the cases of project assistants whose services have been regularized long back.

20. That the humble applicant states that she had filed her application and also a representation for regularisation, which was duly forwarded by the Director Regional Research Laboratory, Jorhat for consideration. However, inspite of the recommendation of the Director the case of the applicant has not been considered for reasons best known to the authorities. On the other hand similarly situated persons have already been regularly absorbed as Project Assistants.

20. That the humble applicant states that being aggrieved by the action of the respondents in not regularizing her services like that of the other similarly situated persons, against the vacant post of scientist, she filed an application before the Hon'ble Central Administrative Tribunal, Guwahati Bench praying for a direction upon the respondents to consider her case like that of other similarly situated persons.

21. That the humble applicant states that the said application filed by her which was registered and

Contd.../-

*Bina Pami Saitia.*

numbered as O.A. 443/1999 was disposed of by the Hon'ble Tribunal by its order dated 24.12.99. The Hon'ble while disposing of the application was pleased to direct the respondents to dispose of the representation filed by the applicant within a period of one month from the date of receipt of the order by a reasoned order.

A typed copy of the said order dated 24.12.99 is annexed hereto and marked as ANNEXURE-VII.

22. That the humble applicant states that thereafter she obtained a certified copy of the order dated 24.12.99 and submitted the same before the authorities concerned for compliance. Thereafter, on 15.5.2000 she was informed by the Administrative Officer, Regional Research Laboratory, Jorhat that the matter is under review and she will be intimated in the course.

A type copy of the said letter dated 15.5.2000 is annexed hereto and marked as ANNEXURE-VIII.

23. That the humble applicant states that while she was awaiting the response from the authorities as directed by the Hon'ble Tribunal, an advertisement being advertisement No. 4/2000, inviting applications from

Contd.../-

*Binapani Saitia.*

eligible candidates for the post of Scientist Group IV (2) 'C' was published by the Regional Research Laboratory, <sup>the applicant,</sup> as she possessed the qualification mentioned in the said advertisement submitted her application for the post of Scientist.

24. That the humble applicant states that although she had submitted a certified copy of the order dtd. 24.12.99 passed by this Hon'ble Tribunal in O.A. No. 443/99 and also an application for the post of Scientist in response to the advertisement No. 4/2000, the authorities are yet to act upon it as per the directions of this Hon'ble Tribunal. It may be mentioned herein that this Hon'ble Tribunal while disposing of the application filed by the application (OA No. 443/99) was pleased to give a liberty to the applicant to approach the Hon'ble Tribunal if she is further aggrieved.

25. That the applicant states that being aggrieved by the inaction of the respondents in not considering her case for absorption and non disposal of the representation filed by her, the applicant has no other alternative but, to approach this Hon'ble Tribunal for redressal of her grievance.

Contd.../-

*Binapani Saikia.*

V. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

I) For that your humble applicant is entitled to be considered for permanent absorption as per the scheme for absorption of Researchers working in CSIR Laboratory, Institution which was approved by the Governing Body on 18.2.98.

II) For that Your humble applicant is entitled for regular absorption like that of the Project Assistants who were regularized by the Director, Regional Research Laboratory after completion of three years service and were permanently absorbed as per their qualifications.

III) For that your humble applicant is entitled for regularisation of her service as per the scheme circulated by the Council for Scientific and Industrial Research for permanent absorption of researchers working in the CSIR Laboratory/Instts. and also in the light of the judgment in O.A. No.s 16/95, 17/95, 18/95 and 241/94.

IV) For that your humble applicant is entitled for regular appointment as against the advertisement No. 4/97 and 4/2000 for which the humble applicant has submitted application as is eligible and qualified to be appointed to the said post and the posts are still lying vacant till today.

Contd.../-

*Binapani Saitia*

V) For that your humble applicant has already crossed the age limit for other Central Government Services and she cannot now go for alternative job due to the age limit and as such she deserves to be considered on humanitarian ground to be absorbed as against the scheme framed by the CSIR and as per the recommendation made by the Director, CSIR.

VI) For that although this Hon'ble Tribunal while disposing of the application filed by the applicant by its order dated 27.12.99 was pleased to direct the respondents to dispose of the representation filed by the applicant no action has yet been initiated by the respondent authorities to dispose of the representation filed by the applicant and consider his case for regular absorption. In that view of the matter the authorities concerned may be directed to regularize the services of the applicant.

VII) For that in any view of the matter the applicant is entitled for regular absorption against the vacant post in the Regional Research Laboratory, Jorhat.

VI. DETAILS OF REMEDY EXHAUSTED

There is no other remedy except filing this application before this Hon'ble Tribunal.

Contd.../-

*Binapani Saikia.*

VII. MATTER NOT PENDING IN ANY OTHER COURT/TRIBUNAL

That applicant further declares that he has not previously filed any application/writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of this Hon'ble Tribunal and no such application/writ application or suit is pending.

VIII. RELIEF PRAYED FOR

It is, therefore, prayed that Your Lordships would be pleased to admit this application; call for the entire records of the case, ask the opposite parties to show cause as to why the appointment of the applicant as the Project Assistant against existing vacancy as Scientist or any other vacant post which she is eligible.

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

IX. INTERIM ORDER : NIL.

X. DOES NOT ARISE.

XI. POSTAL ORDER NO. 422011 DATED 5.2.2001 OF GUWAHATI POST OFFICE IS ANNEXED.

Contd.../-

*Binapani Saitia*

XII. DETAILS OF INDEX :

An index showing the particulars of documents is enclosed.

XIII. LIST OF ENCLOSURES :

As per index.

VERIFICATION

I, Dr. Binapani Saikia, daughter of Late K.C. Saikia, aged about 31 years, resident of village Tarajan Phookan Road, opposite to Bharati Press, Jorhat, District Jorhat, Assam, do hereby, verify that the statements made in paragraphs 1, 2, 3, 4, 5, 8, 10, 13, 14, 16, 17, 18, 19, 20, 23, 24 and 25 are true to my personal knowledge and the statements made in paragraphs 6, 8, 9, 11, 12, 15, 21 & 22 being matters of record are true to my information which I believe to be true.

Place :

Date :

*Binapani Saikia*  
Signature of the applicant

Contd.../-

ANNEXURE-I

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH  
Anusandhan Bhaban, 2, Rafi Marg, New Delhi-110001

No. 3(3)-SAR/98-R&A

Dated 03.07.1998.

To

Heads of All National Labs./Instts.

Subject: Scheme for Absorption of Researchers working  
in CSIR Labs./Instts.

Sir,

The Governing Body in its 144th meeting held on 18.02.1998 had approved a scheme for absorption of Researchers working in CSIR Labs/Instts." A copy of the scheme is sent herewith for information and compliance.

The aforesaid scheme will come into force from the date of issue of this letter.

Yours faithfully,

(R.S.ANTIL)

Deputy Secretary.

*Witnessed*  
*AD Bama*  
*5/02/2001*  
*Advocate.*

Contd.../-

SCHEME FOR ABSORPTION OF RESEARCHERS WORKING IN CSIR  
LABORATORIES/INSTITUTES

1. Name of the Scheme.

The scheme shall be called "Scheme for absorption of Researchers in CSIR Laboratories/Institutes, 1997".

2. Administration of Scheme.

The Council of Scientific and Industrial Research (CSIR), hereinafter referred as Council will administer the Scheme. The Scheme would be a one-time measure and is for eligible researchers.

3. Definitions:

(I) The "Council" of CSIR shall mean the Council of Scientific and Industrial Research.

(II) The CSIR shall mean Director-General, CSIR.

(III) HRDG means Human Resource Development Group dealing with extra mural research related activities of the Council.

(IV) The Rules referred herein shall mean the CSIR

Contd.../-

Attested  
Advanu  
5/02/2001  
Advocate

28

Service Rules 1994, for Recruitment of Scientific, Technical and Supporting Staff.

(V) The Central Selection Committee shall mean the Committee constituted by the DG, CSIR as per clause 6 (e) of the Scheme.

(VI) The eligible Researcher shall mean persons who has put in 15 years of continuous research as Fellow/Associate/Project Associate on monthly payment basis on 02.05.1997 and is/was in position as on that date.

(VII) The Fellow/Associate means the persons working in CSIR Laboratories/Institutes who have been awarded the Fellowship/Associateship under the CSIR Research. A Fellowship and Associateship Schemes and Senior Research Associateship (Scientists' pool) Scheme i.e. the scheme operated through Human Resource Development Group (HRDG) of the Council. Project Associates means the person engaged as JRF/SRF/Associate in CSIR Laboratories/Institutes under the externally funded Projects/Schemes. The period of two months may be in different spells but the total period shall not be more than two months.

4. To whom applicable.

The Scheme being a one-time measure shall be

Contd.../-

*Witnessed  
Advocate  
5/06/2001*

29

applicable to the eligible researchers engaged on full time basis in CSIR Laboratories/Institutes under the Scheme operated through HRDG of the council or under externally funded projects/scheme of the council in its Laboratories/Institutes.



5. Commencement of Scheme.

The commencement of the scheme shall be, the date notifying the approval of the Governing Body of the council.

6. Terms and Conditions for absorption.

(a) As per "Rules", the maximum age limit for recruitment to Group IV(1) and Group IV(2) is 35 years. However, in the case of Researchers covered by this Scheme relaxation upto 10 years would be considered in the upper age limit as on 02.03.1997, over and above the maximum age limit prescribed under the rules for recruitment to Group IV(1) and IV(2).



(b) The eligible researchers concerned should possess the educational qualifications prescribed for the Group IV (1) and IV(2). No relaxation in educational qualification shall be permissible.

Contd.../-

Attested  
5/02/2001  
Advocate

(c) Orders on reservation for SC/ST/DBC, etc. issued by Government of India from time to time shall apply in operating this Scheme.

(d) The selection of the concerned researchers for their absorption shall be determined by a Central Selection Committee constituted by DG, CSIR on the lines of the constitution of the Selection Committee prescribed in the "Rules". The Central Selection Committee prescribed in the "Rules". The Central Selection Committee shall determine their suitability for absorption after interviewing the candidates. Non-availability of posts shall not be a constraint for implementation of this Scheme.

(e) A maximum of two opportunities shall be given to the eligible researchers for consideration of absorption from the date of notification. In case those who are not recommended by the Central Selection Committee for absorption on the basis of interviews in two chances, their fellowship/associateship shall be governed by the term sand conditions applicable to them.

(f) The eligible researchers shall be governed by the terms project associateship.

(g) In case any of the eligible researcher fails to appear before the Central Selection Committee on the

Contd.../-

Witnessed  
Advocate  
5/12/2001  
Advocate

date and time of interview intimated to him/her for the purpose, his/her chance for absorption shall be treated as forfeited..

(h) The recommended researchers shall have no right to make claim for placement in the same Laboratories/Institutes where they have worked as researchers and can be placed in any other Laboratory/Institute depending upon the need.

7. This scheme shall supersede all other provisions/instructions/orders as far as in consistent with this scheme.

8. In case of any doubt the interpretation of any of the provisions of this schemes, the decision of the Director General, CSIR shall be final.

9. DG, CSIR shall have the power to relax/modify /amend any of the conditions/provisions of the scheme except relating to educational qualification mentioned in para 6 (b).

*Alleged  
ABM  
5/2/2001  
Advocate*

Contd.../-

ANNEXURE-II.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Original Application No. 16 of 1995.

Original Application No. 17 of 1995

Original Application No. 18 of 1995

Original Application No. 241 of 1994.

Date of decision: This the 14th day of May 1997.

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

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

O.A. No. 16/95.

Shri Dulal Sahu,

Ex-Project Assistant,

Geo-Science Division,

Regional Research Laboratory,

Jorhat

..Applicant.

By Advocate Mr. B.K. Sharma and Mr. S. Sarma.

Versus

1. Union of India,

represented by the Secretary to the

Government of India, Ministry of Science

and Technology, New Delhi.

Contd.../-

*Attested  
ASOM  
5/02/2001  
Advocate*

2. The Director General,  
Council of Scientific and Industrial  
Research, New Delhi.
3. The Director,  
Regional Research Laboratory,  
Jorhat.
4. The Joint Secretary,  
Council of Scientific and Industrial  
Research, New Delhi.
5. The Controller of Administration,  
Regional Research Laboratory,  
Jorhat. ... Respondents.

By Advocate Mr.S.Ali, Sr.C.G.S.C.

O.A. No. 17/95.

Shri Paresh Kalita,  
Project Fellow, Grade-III,  
Geo-Science Division,  
Regional Research Laboratory,  
Under CSIR, Jorhat.

...Applicant.

By Advocate Mr.B.K.Sharma and Mr.S.Sarma.

Versus

1. Union of India,

Contd.../-

*Witnessed  
B.K. Sharma  
5/12/2001  
Advocate*

represented by the Secretary to the  
Government of India, Ministry of Science  
and Technology, New Delhi.

2. The Director General,  
Council of Scientific and Industrial  
Research, New Delhi.

3. The Director,  
Regional Research Laboratory,  
Jorhat.

4. The Joint Secretary,  
Council of Scientific and Industrial  
Research, New Delhi.

5. The Controller of Administration,  
Regional Research Laboratory,  
Jorhat. ... Respondents.

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

O.A. No. 18/95.

Shri Pabitra Pran Sarma,  
Project Fellow, Grade-III,  
Geo-Science Division,  
Regional Research Laboratory,  
Jorhat. ... Applicant.

Contd.../-

*Witnessed*  
*AS*  
*05/02/2001*  
*Advocate*

By Advocate Mr.B.K.Sharma and Mr.S.Sarma.

Versus

1. Union of India,  
represented by the Secretary to the  
Government of India, Ministry of Science  
and Technology, New Delhi.
2. The Diretor General,  
Council of Scientific and Industrial  
Research, New Delhi.
3. The Director,  
Regional Research Laboratory,  
Jorhat.
4. The Joint Secretary,  
Council of Scientific and Industrial  
Research, New Delhi.
5. The Controller of Administration,  
Regional Research Laboratory,  
Jorhat. .... Respondents.

By Advocate Mr.S.Ali, Sr.C.G.S.C.

Contd.../-

*Collected  
for  
5/02/2001  
Advocate*

O.A. No. 241/94.

Shri Shantanu Dutta,  
Project Fellow, Grade-III,  
Allied Civil Engineering Division,  
Regional Research Laboratory,  
Jorhat.

..Applicant.

By Advocate Mr.B.K.Sharma and Mr.S.Sarma.

Versus

1. Union of India,  
represented by the Secretary to the  
Government of India, Ministry of Science  
and Technology, New Delhi.
2. The Director General,  
Council of Scientific and Industrial  
Research, New Delhi.
3. The Director,  
Regional Research Laboratory,  
Jorhat.
4. The Joint Secretary,  
Council of Scientific and Industrial  
Research, New Delhi.

Contd.../-

*Witnessed  
At Bonga  
5/10/2001  
Advocate*

37

5. The Controller of Administration,

Regional Research Laboratory,

Jorhat.

... Respondents.

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

ORDER

BARUAH, J. (V.C.)

The above applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the application by a common Judgement.

2. Facts for the purpose of disposal of the applications are :

All the applicants were appointed in the Regional Research Laboratory by respondent No.3, on various date and they have been continuously working as such. Initially, all the applicants had been appointed Project Assistant at a consolidated pay of Rs. 500/-. The consolidated pay was enhanced from time to time and at present the pay is Rs. 1800/-. They were so appointed in sponsored project. In 1981 a Scheme was prepared by the respondent No.2, namely, Council of Scientific and Industrial Research (CSIR for short). The said scheme was known as Merit and Normal Assessment Scheme (for short

Contd.../-

Merit & Normal Assessment  
S  
Allotted  
ADP  
5/12/2001  
Advocate

28

MANAS). The period of the said Scheme expired and again reintroduced in a revised form and became effective from 1.4.1992. The contention of the applicants in that they fulfill all the conditions laid down in the scheme for regularisation of their services in as much as they had completed more than three years of service. However, the authorities refused to regularize them on the plea that scheme was no longer in existence. Hence the present applications.

3. We have heard Mr. B.K.Sharma, learned counsel for the applicants, and Mr.S.Ali, learned Sr.C.G.S.C., for the respondents in O.A. Nos. 16 and 18 of 1995, and Mr.A.K.Choudhury, for the respondents in O.A. Nos. 17/95 and 241/94. According to Mr. Sharma the applicants were discharging their duties continuously except only for short breaks. The learned counsel further submits that those breaks were artificially created just to deprive the applicants from the benefits of the Scheme. Mr.Ali and Mr.Choudhury, on the other hand, submit that the applicants are not entitled to get their services regularised in view of the fact that their services were not continuous inasmuch as there has been breaks in their services from time to time. However, the allegation of Mr.B.K.Sharma is that the breaks were artificial and not for any bonafide necessity. The learned counsel for the respondents are not in a position to refute this submission.

Contd.../-

*Attested  
Advocate  
05/02/2001*

4. On the submission of the learned counsel for the parties it is now to be seen whether the respondents' refusal to regularize the services of the applicants can sustain in law and whether the applicants are eligible to be regularized in their services.

5. It is an admitted fact that the applicants had been working for several years with, however, short breaks of one or two days. According to the learned counsel for the applicants, these breaks were artificially created just to deprive them from the benefit of the Scheme.

6. We have perused the application as well as the written statement and heard the learned counsel for the parties. We find that these one or two days breaks are not for any administrative necessity. At least there is nothing on the record to indicate that. The learned counsel for the respondents have also not been able to show that those breaks were necessary for administrative purpose.

7. In view of the above we hold that the applicants were working continuously for more than three years which was condition for the purpose of regularisation of their services. From the pleadings and other records available before us, we are of the opinion that

Contd.../-

Willested  
Advocate  
05/02/2001

the short breaks were artificially crated - there was no administrative necessity. These artificial breaks cannot deprive the applicants the benefit of the Scheme (See AIR 1990 SC 2228, 1992 (2) SCC 29, and 1987 (3) SLJ (CAT) 569). An attempt has been made by the learned counsel for the respondents to show that at times the applicants were not in service for a long time, and therefore, they would not be regarded as being in continuous service. But, if Annexure-A to the rejoinder, the revised scheme of MANAS effective from 1.4.1992, is taken into consideration this will show that the applicants had been working for more than three years, with, however, short breaks as indicated above. Therefore, they are entitled to the benefit of the Scheme. It may be mentioned here that the respondents have clearly stated in paragraph 32 of the written statement in O.A. No. 16/95 that the name of the applicant was sponsored by the employment Exchange and after having selected by the Selection Committee, he was appointed as Project Assistant for six months only on contractual basis. This itself indicates that the applicant fulfilled the requirements mentioned in the Scheme. Similar averments have been made in the written statements of the other applications also.

8. Considering all the aspects of the matter we hold that all the applicants are entitled to be regularized in their services as per the Scheme (MANAS) pre-

Contd.../-

collected  
ABOM  
5/2/2001  
Advocate

pared, and more specifically as per the revised Scheme effective from 1.4.1992. Accordingly, we direct the respondents to regularize the services of the applicants within a period of one month from today in terms of the scheme. If at the time of regularisation the applicants are found to be averaged that should be ignored and this shall not be a bar for regularisation. Till regularisation the applicants should not be removed from their services.

9. The applications are accordingly allowed. However, considering all the facts and circumstances of the case we make no order as to costs.

Sd/-Vice Chairman.

Sd/- Member (A).

*Witnessed  
AD Bannu  
05/02/2001  
Advocate*

Contd.../-

ANNEXURE-III.

REGIONAL RESEARCH LABORATORY  
(Council of Scientific and Industrial Research)  
JORHAT -785006, Assam, India.  
Advertisement No. 4/97

Last date for obtaining application Forms:05.09.97

Last date for submission of application:19.09.97

Application are invited in the prescribed form from Indian nationals for the following posts. Educational qualification (EQ), Job Requirement (JR) and experience (EXP) for the posts are given against each post:

A. Scientist 'B' : Group IV (I) : Twenty two posts.

Sl. No. 1 and 2 :

Sl. No. 3 :

Sl. No. 4 :

Sl. No. 5 :

Sl. No. 6 :

Sl. No. 7 :

Sl. No. 8 :

Sl. No. 9 :

Sl. No. 10 :

Sl. No. 12 : One post in Analytical Chemistry (unreserved)

EQ : Ist Class M.Sc. in chemistry with not

Contd.../-

*Witnessed*  
*Advocate*  
*05/02/2001*  
*Advocate*

less than 65% marks A Ph.D. in the subject will be preferred.

JR

: Operation of analytical instruments and their application in solution of R & D problems.

Desirable

: With good knowledge in spectroscopy and 5 years practical experience in the operation and use of various analytical equipment.

*interested  
ABAMS  
05/02/2001  
Advocate*

Contd.../-

44

ANNEXURE-IV.

REGISTERED A/D

To

The Director General,  
Council of Scientific & Industrial  
Research (CSIR), Anusandhan Bhawan,  
Rafi Marg, New Delhi - 110001.

Date : 09.10.98.

Sub: Requests to give special consideration for recruiting against the vacant post already advertised last year (of which I am one of the candidates) by relaxing the freezing as per provision 3 of the latest CSIR OM Vide no. 17(230)/98-E.II dated 23.9.98 on freezing of all the existing vacancies at all levels, in view of the long pendency of interviews.

Respected Sir,

I have come to know from a very reliable source that all the existing vacancies in the Regional Research Laboratory, Jorhat, which were advertised some time back and the interviews for which were supposed to be held shortly, have now been suspended by the above order except in the provision mentioned above. What can be more ruke, shocking and disheartening for an unemployed woman ex-research worker of the laboratory like me, who have put nearly 10 years of service in RRL in the scientific pool and awaiting to be absorbed on the basis of vacant post. I applied against a Scientist B post advertised in July 97. I am a Ph. D of RRL itself and my qualification and experience suited the post. I did my

Contd.../-

*Witnessed  
ABona  
05/10/98  
Advocate*

Ph.D. in Aakttical (Physical) Chemistry. In addition to my research work I rendered analytical services for the success of a number of research projects. Ever since I gave a long waiting for getting interview call from the RRL. Because, even though the posts were advertised long back, I was informed that the screening and the constitution of expert committee were since pending due to the absence of the Research Council. The new Research Council was constituted in January '98 and it actually started functioning only in August '98. As per the procedure, the screening committee, finalisation of expert lists etc. and other clearances are to be made by the RC which the RC did only recently in the month of August '98 and I was given to understand the recruitment process for the cleared posts were to be held in the near future. Hence the long waiting. It may also kindly be noted that various posts belonging to all other laboratories of CSIR, which were advertised about the same time, have already been filled-up. Only in case of RRL Jorhat, the recruitment has not been held for such a long time (as I am given to understand) Solely due to delay in holding RC meeting. From this angle, RRL's posts (advertised) deserve your special consideration.

In this connection, may I request your 'Sir' to refer to my all previous correspondences with you - that how I was the victim of whimsicalities of the

Contd.../-

Witnessed  
Advocate  
5/02/2001

4/6

former Director for which I have suffered a lot. In reply to my correspondences, the CSIR authority at one point of time instructed the RRL authority to absorb me against a suitable vacancy of the laboratory. Accordingly, actions were on and the RRL authority kept me assuring throughout the time period that interviews for recruitment are going to be held soon after this long gap and my case will be considered for age-relaxation etc. for enabling me to get a interview call. It will not be out of place to mention that I spent my precious time of career at RRL with the hope of getting a job so much so that I have now become overage to be able to apply for any other government jobs. All my fellow junior contemporary staff with lesser qualification and experience who put long years of service and whose posts were advertised along with that of I applied for have already been recruited in the meantime. Only I am left out. I even requested to consider my case even for a Junior position in the same area of the same advertisement. But my candidature was turned down on the plea of over-qualification. Now that I was on the verge of getting a call, just at that point of time, this order came usurping completely the prospect of getting employed.

Now, I have every reason to believe that my future has become completely dark and my career has been completely sealed rendering me to be completely empty and

Contd.../-

*collected*  
*ABama*  
*5/02/2001*  
*Advocate*

-I begin to sense my hell. Being an unmarried woman I have absolutely no one to look to.

Therefore, under the circumstances, I once again very fervently implore to you to take some favourable step to restore my career at RRL as per the provision mentioned above for which act of your kindness, I shall remain ever grateful to you.

Anticipation you sympathetic action.

Thanking you.

Yours faithfully,  
(Dr.(Ms)Beenapani Saikia

Encl: Copy of the letter which I  
submitted to Director RRL on 23.7.98.

*Wlested  
AD Bame  
05/02/2001*

Contd.../-

48

ANNEXURE-V.

To

The Director,  
Regional Research Laboratory  
Jorhat.

Date : 30.10.98.

Sub: Request to process my case for regular absorption under the new CSIR "Scheme for Absorption of Researchers working in CSIR Labs./Instt.(Copy enclosed) vide No. 3 (3) - SAR/98 - R&A Dated 03.07.1998.

Ref: My latest application dated 9.10.98(copy enclosed) addressed to DGCSIR with a copy endorsed to Director RRL Jorhat.

Sir,

With reference to the above, I have the honour to request you that in addition to my application for the post of Scientist B as per your advertisement vide Ad 4/97 in the daily the Assam Tribune, my case may be processed for referring to DGSIR under the above scheme granted by CSIR, as an one time measure for absorbing the RAs etc. of CSIR, attaching your valuable endorsement/recommendations for favour of consideration by the DGCSI. The necessary relaxations as per provision continued in the point no. 9 of the enclosed CSIR circular may also kindly be asked for in order to facilitate the shortcomings in my candidature, on the strength of length of service I rendered to the laboratory. My particulars are already available in the personal file of the laboratory.

Contd.../-

*W. L. S. S.*  
*AD 30/10/98*  
*8/02/2001*  
*Advocate*

I shall further request you Sir to give some priority to my case owing to the urgency of the situation.

Looking forward to your urgent and favourable action.

Thanking you.

Yours faithfully,  
(Dr.(Ms) Beenapani Saikia).

From : Dr.(Ms) Beenapani Saikia,  
Ex-RA of RRL Jorhat  
Tarajan Phukan Road  
Near Bharati Press,  
Jorhat - 785001, Assam.

*Witnessed  
ADAMS  
5/2/2001  
Advocate*

Contd.../-

NO. RLJ - 13 (630)/esh/86.

Jorhat : 785363, Assam, India  
Phone : 321363, 320317, 320315  
Fax : 0376-321158 Gram: Research May 12, 1999

The Joint Secretary  
(Administration)  
Council of Scientific and  
Industrial Research  
Anusandhan Bhawan,  
2 Rafi Marg,  
New Delhi : 110001.

Ref: Our letter No.RLJ-13(630)/Estt/86 dated 3rd December 1998 and subsequent reminders.

As you are aware about the New CSIR "Scheme  
of Researchers working in CSIR  
" vide CSIR OM No.3(3)-SAR/98-RA dated 3rd  
In this reference a self explanation applica-  
(Miss) Binapani Saikia, Ex-RA of this labora-  
forwarded to CSIR along with the recommendations  
Director for consideration and favourable decision  
sorption. In response, a letter under reference  
B R&A dated 15.4.99 has been received mention-  
ct that the screening committee did not recom-  
name since she did not possess the requisite

Contd.../-

Wallerstein  
AD Bonus  
5/02/2001  
Advocate

51

experience of 15 years prescribed Associateship as per the terms and condition laid therein which, although, is relaxable at the discretion of the DG, CSIR as per point No. 9 of the above scheme.

It is pertinent to mention that Dr. (Miss) Saikia has serviced this institute only for a period of 10 years including one year as Guest Research Worker. Thus, she is not fulfilling the required length of service while all other concerned conditions laid down in this scheme are very well covered.

On considering her age which is now more than 35 years (date of birth being 1st April, 1960) her candidature for recruitment for the post of Group IV(1) and IV(2) as per guidelines incorporated in revised MANAS does not generally qualify for her recruitment for the post of Group IV(1)/ IV(2) under normal advertisements and on the other hand, she is not covered under the CSIR scheme for regular absorption by virtue of the fact that having less than 15 years of her association with this laboratory as on 2nd May, 1997.

Moreover, as she has mentioned in her earlier application for sympathetic consideration, your kind attention is invited for sympathetic consideration in view of the following facts :

Contd.../-

*W. H. S. S.*  
*Dr. B. S.*  
*Storhan*  
*Devocat*

52

1. Possessing required qualification for the post of Group IV(1)/IV(2).
2. Dr.(Miss) Saikia has also published research papers both national and international and the combined Impact Factor of which as recorded in RRL Library is 1.442 which is considered to be reasonably good from the research point of view.
3. Her association in different R & D activities of this laboratory is an additional point for her acquaintance/awareness /usefulness for the progress of R & D activities of this Laboratory and in toto for CSIR also.
4. Sympathetic consideration being on unmarried qualified woman having no other source of income, is remaining as entirely dependent on her family. Moreover, it is also pertinent to mention that North Eastern Region of the country is a very remote place and there are no sufficient avenues for getting a suitable job particularly for a women possessing such qualification with long experience spending precious prime years of her life.

Contd.../-

*Alister  
AD  
25/2/2001  
Advocate*

43

Considering all the above facts, it is requested to kindly place her case before the DG, CSIR to consider for necessary relaxation for regular absorption under the above CSIR Scheme. The required 15 years of experience may be relaxed in her case considering her uninterrupted association with this laboratory for a period of 10 years vide point No. 9 of the said CSIR scheme as a very special case so that she can get an opportunity for getting absorbed under the scheme. This issues with the approved of the Director.

Your kind and sympathetic consideration is solicited for helping a woman belonging to the scientific community.

Thanking you.

Yours faithfully,  
Sd/-R.P.Srivastava  
Controller of Administration.

*Allestes*  
*ADP*  
*05/02/2001*  
*Advocate*

Contd.../-

54

ANNEXURE-VII

FORM NO. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 443 OF 1999

Applicant(s) Dr.Binapani Saikia

Respondent(s) Union of India & Ors.

Advocate for applicant(s) Mr.H.Rahman,  
Mr.N.Baruah,  
Mr.Z.Alam.

Advocate for Respondent(s) Mr.B.S.Basumatary, Addl.  
C.G.S.C.

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

24.12.99 In this application the applicant is seeking a direction on the respondents for regular appointment against existing vacancy of Scientist or any other vacant post in which she is eligible as per the Scheme for Absorption of Researchers working in CSIR Laboratories/Institutes. The case of the applicant is that at the relevant time she was appointed Guest Worker Research Scholar in 1985 and then became Senior Research Fellow and continued as such upto 19.5.1995 when her services were discontinued. According to the applicant she is entitled to get permanently absorbed as per the scheme known as "Scheme for Absorption of Researches working in CSIR Laboratories/Institutes." Feeling aggrieved she

Contd.../-

*Admitted*  
*Dr. Binapani*  
*25/12/99*

submitted Annexure-VI representation dated 12.5.1999 to the authority. The authority has not yet disposed of the same. Hence the present application.

Heard Mr.H.Rahman, learned counsel for the applicant and Mr.B.S.Basumatary, learned Addl.C.G.S.C. for the respondents. On hearing the counsel of the parties I feel that the authority should dispose of the representation. Accordingly the present application is disposed of with a direction to the respondents to dispose of the Annexure-VI representation dated 12.5.1999 within a period of one month from the date of receipt of this order by a reasoned order. If the applicant is still aggrieved she may approach the Tribunal. ✓

Sd/-

Vice Chairman.

*Alleged  
AD Basu  
03/04/2000  
Advocate*

Contd.../-

ANNEXURE-VIII

REGIONAL RESEARCH LABORATORY  
(A CONSTITUTE NET ESTABLISHMENT OF CSIR) JORHAT-785006  
(ASSAM).

NO. RLJ-18(111)-Vig/2000

May 15, 2000

From : The Director,  
RRL, Jorhat-6.

To : Dr.(Ms) Binapani Saikia,  
Ex. RA of RRL,, Jorhat,  
Tarajan Phukan Ali,  
Near Bharati Press,  
Jorhat -785001, Assam.

Sub: Order of the Tribunal (CAT) Guwahati Bench,  
Guwahati dated 24.12.299 passed in O.A.No.443/99.

Ref: Your letter dated 25.4.2000..

Dear Madam,

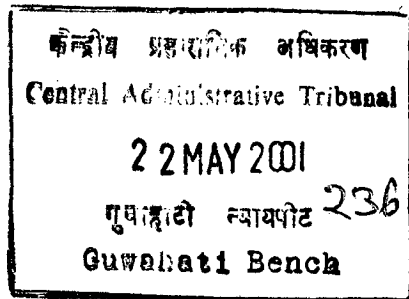
On the subject cited above and with reference to your letter dated 25.4.2000, I am directed to inform you that the order as passed by the Hon'ble vice Chairman, Central Administrative Tribunal, Guwahati Bench, Guwahati was referred to our Central Govt. Standing Counsel for its review before the Hon'ble Tribunal.

The matter will be intimated/known to you in due course.

Yours faithfully,  
Sd/-Illegible  
15.5.2000  
(N.K.Barbaruah)  
Administrative Officer.

Contd.../-

*Idled*  
*ASOM*  
*05/05/2000*  
*ASOM*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 54 OF 2001

Dr. (Miss) Binapani Saikia

- Vs -

Union of India & Others.

- And -

In the matter of :

Written Statement submitted by the  
Respondents

The respondents beg to submit the written statement  
as follows :

1. That with regard to para 1, the respondents beg to state that the save and except the statement that the applicant is eligible for permanent absorption as per the scheme framed by the authorities, the para 1 is admitted.
2. That with regard to para 2, the respondents beg to state that the partially admitted the para, save and except the statements which are not the matters of record of the RRL Management.
3. That with regard to para 3, the respondents beg to state that the admittedly, Dr. (Miss) Binapani Saikia was appointed as Junior Research Fellow initially for a period of 2 years only and not for a period of 3 years as has been mentioned by the applicant.
4. That with regard to para 4, the respondents beg to state that the applicant was initially appointed as Junior

Research Fellow for a period of 2 years and there-after she was elevated to the SRF position for a period of 3 years with effect from 20.10.1988.

5. That with regard to para 5, the respondents beg to state that the applicant was appointed as Research Associate with effect from 27.03.1992 to 26.03.1994 for a period of 2 years on a consolidated emolument of Rs. 2,200.00 per month in the slab of Rs. 2,200-100-2,700/-. Her Research Associate ship was extended for a period of one year with effect from 04.04.1994 to 03.04.1995 on the existing terms and conditions. It is a mistake on the part of the applicant in the application that she was appointed as Research Assistant on 25.03.1992.

8 20  
6. That although the applicant had been continuously working in the HRL- Jorhat for more than 9 years, initially as Junior Research Fellow and then as Senior Research Fellow and thereafter as Research Associate and thus acquired full knowledge and experience of research work, she did not/does not acquire the prescribed minimum 15 years of continuous research as Fellow/Associate/Project Assistant on monthly payment basis to become eligible for absorption. The copy of the CSIR Circular under Memo No.3(3)-SAR/98 R & A dated 03.07.1998 does not specifically mention her contention to become eligible for absorption.

7. That with regard to para 7, the respondents beg to state that it is admitted.

8. That with regard to para 8, the respondents beg to state that it is not a fact that some other similarly situated persons who were appointed against project scheme as Project

Project Fellow Grade III in the Laboratory were regularized after being utilised for more than 3 years and were terminated and approached the Hon'ble Tribunal. The persons were technical personnel only appointed earlier as Project Fellow Grade III and cannot be said to be similarly situated persons like that of the applicant. These Project Fellows in question were appointed on open selection as per Advertisement No. 2/97 and the interview conducted during the month of September, 1997. Since these persons got regular employment through open advertisement and open selection, the question of complying the Order of the Hon'ble CAT did not arise.

9. That with regard to para 9, the respondents beg to state that it is admitted.

10. That with regard to para 10, the respondents beg to offer no comment.

11. That with regard to para 11, the respondents beg to state that it was a fact that the scheme as mentioned by the applicant came into force with effect from 03.07.98 but at the same time, the applicant Dr. (Miss) Binapani Saikia misread/misinterpreted the aforesaid scheme and found herself eligible for absorption on regular basis, as she could not/did not complete her research as Fellow/Associate/Project Fellow for 15 years.

12. That with regard to paras 12, 13, 14, 15 and 16, the respondents beg to offer no comments.

13. That with regard to para 17, the respondents beg to state that the contention of the applicant as made in this para cannot be construed as similar to that of those

applicants in O.A. No. 16/95, 17/95, 18/95 and 241/94 so far as the situation of the applicant said Dr. (Miss) Binapani-Saikia is/was concerned.

14. That with regard to para 18, the respondents beg to state that it is a mere repetition of the previous para.

15. That with regard to para 19, the respondents beg to state that the applicant has made another repetition of the previous para.

16. That with regard to paras 20, 21 and 22, the respondents beg to offer no comments.

17. That with regard to para 23, the respondents beg to state that it is a misinterpretation on the part of the applicant that she was informed by letter dated 15.05.2000 that the matter was under review and she would be intimated in due course. It was intimated to the applicant that the Order as passed by the Hon'ble Tribunal was referred to CGSC for its review before the Hon'ble Tribunal.

18. That with regard to para 24, the respondents beg to ~~sk~~ offer no comments.

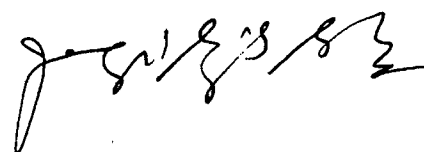
19. That with regard to para 25, the respondents beg to state that the applicant Dr. (Miss) Binapani Saikia, being a highly educated lady knowing fully well regarding her ineligibility under the Scheme for Absorption of Researchers Working in CSIR Laboratories/Institutes as far as her research experience is concerned. She has already read between the lines of the aforesaid Scheme and thus she is fully aware of the fact that she is ineligible as per the aforesaid scheme.

20. That with regard to para 26, the respondents beg to offer no comment.

VERIFICATION

I , Shri Jagir Singh Sandhu , the Director of R.R.L, Jorhat, being authorised do hereby verify and declare that the statements made in this written statements are true to my knowledge , information and belief and I have not suppressed any material fact.

And I sign this verification on this 22<sup>th</sup> day of May, 2001.



(Deponent )

Notice

22.5.2001

From.

Mr. B. C. Pathak

Addr. C G S C CAT. Guwahati

To.

Mr. H. Rahman.

Mr. M. Barman.

Advocate.

OA 54/2001

W/S.

Sir,

Please find enclosed herewith the copy of W/S in OA NO 54/2001 as directed by the Hon'ble Tribunal Guwahati.

Kindly acknowledge receipt the same.

Revised copy

①

②

Signature.

Yours faithfully

*Doofar*

22/5/2001  
B. C. Pathak

Addr. C G S C

CAT Guwahati

I undertake to furnish a copy to the advocate of the applicant, who is not available today in the Tribunal.

*Doofar*

22/5/01