

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-58/03 ordersheet pg-1 to 2 INDEX

allowed date-23/05/03

M.P-93/2002 ordersheet pg-1 to 2

allowed date-23/08/2002

O.A.T.A No. 59/2001

R.A/C.P No. MP-58/03

E.P/M.A No. 149/2002

1. Orders Sheet. O.A-59/2001 Pg. 1 to 3 Date-12/11/02
MP-149/02 order pg-1 to-3 allowed
2. Judgment/Order dtd. 08/10/2001 Pg. 1 to 3 allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....59/2001 Pg. 1 to 11
5. E.P/M.P.....149/2002 Pg. 1 to 11
6. R.A/C.P.....MP-58/03 Pg. 1 to 12
7. W.S. submitted by the respondents Pg. 1 to 5
8. Rejoinder filed by the applicant Pg. 1 to 2
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

M.P-93/2002 petition copy

pg-1 to 9

SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

ORDER SHEET
Original APPLICATION NO 59 OF 2001

Applicant (s) Karora bahadur Shappa

Respondent(s) U.O.I Govt

Advocate for Applicant(s) Mr. A.K. Roy

Advocate for Respondent(s) CGSE

Notes of the Registry Date

Order of the Tribunal

This application is in form 15.2.01
but no...
Petition...
M.P. No...
for...
IPC/... 56422013
Dated... 8-2-2001

Present: Hon'ble Mr. Justice
D.N. Choudhury, Vice-Chairman and
Hon'ble Mr. K.K. Sharma, Administra-
tive Member.

Heard learned counsel for the
parties.

Application is admitted. Issue
notice on the respondents. Call
for records. Returnable by 4
weeks. List on 15.3.01 for orders.

U. Usha
Member

[Signature]
Vice-Chairman

20-2-2001

lm

Service of Notice issued
to the respondents
vide D. No. 881-833
dt. 2.3.01

15.3.01

List on 12.4.01 to enable the
respondents to file written state-
ment.

U. Usha
Member

[Signature]
Vice-Chairman

Service report are
still awaited.

lm

29.3.01

Notice duly sent
to respondents. 1.
Box

[Signature]
14.3.01

*4 copies of this
returned.*

PAZ

NS 14/02/01

*NS 14/02/01
Dy. Registrar.
PAZ*

2

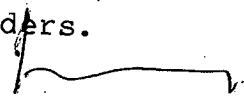
O.A. No. 59 of 2001

11-4-01

12.4.01

no W/S has been filed.

Four works time is allowed to enable the respondents to file written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. List on 11.5.2001 for written statement and further orders.


Vice-Chairman

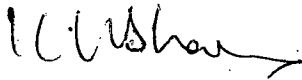
trd


9.5.2001

11.5.01

W/S has been submitted by the Respondents.

Written statement has been filed by the respondents. The applicant may file rejoinder if any within two weeks. List on 5.6.01 for orders.


Member


Vice-Chairman

~~lm~~ lm

5.6.01

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

List for orders on 22-6-2001.


Member



Vice-Chairman

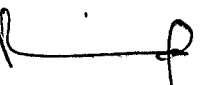
5.10.2001

additional rejoinder on behalf of the applicant has been submitted.

bb
22.6.01

Written statement has already been filed. List the case for hearing on 3-9-2001.


Member


Vice-Chairman

bb

39. There is no dispute much today. The case is adjourned to 8/10/2001.

Also

A.R. 3
75

3

3

Notes of the Registry	Date	Order of the Tribunal
<p><u>30.10.2001</u></p> <p>Copy of the Judgment has been sent to the Office for issuing the same to the applicant as well as to the Addl. C.S.C. for the Respondent.</p> <p>HS</p>	<p>8.10.2001</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.</p> <p><i>K. L. Shetty</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
	<p>nk m</p>	

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XXX~~ No. 59 of 2001

DATE OF DECISION .8.10.2001.....

Shri Karna Bahadur Thappa APPLICANT(S)

Mr. A.K. Roy ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others RESPONDENT(S)

Mr. B.C. Pathak, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

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 ?

5. Judgment delivered by Hon'ble Vice-Chairman



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.59 of 2001

Date of decision: This the 8th day of October 2001

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

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

Shri Karna Bahadur Thappa,
No.213825, Tractor Driver,
Office of the Administrative Commandant,
Station Headquarter, Tezpur.

.....Applicant

By Advocate Mr A.K. Roy.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. The Administrative Commandant, Station Headquarter, Tezpur.
3. The Commandant, 51 Sub Area, C/o 99 APO.
4. The Area Commander, 101 Area, C/o 99 A.P.O.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue pertains to regularisation of service of a Tractor Driver. The applicant is working as a Tractor Driver engaged by the respondent No.2 as a Muster Roll worker on and from 3.3.1987 and till date he is working as such. His grievance is that for about fifteen years he is working as such as a Muster Roll worker and he is going to attain his age of superannuation on December 2001. The applicant has thus moved this Tribunal assailing the arbitrary action of the respondents as discriminatory and violative of Article 14, 16 and 21 of the Constitution.

2. The respondents have submitted written statement and did not dispute the basic facts. According to the respondents the Station Headquarter was authorised three tractors vide Government of India, Ministry of Defence letters dated 28.2.1978 and 31.10.1985. The letters, however, did not mention about the authorisation of Tractor Drivers. The authority took up the case for supplementary establishment of two Tractor Drivers and one Tractor Cleaner so as to regularise the services of two Tractor Drivers and one Tractor Cleaner who were employed on temporary basis into permanent basis. The applicant is one of the temporary Tractor Drivers. The proposal was sent accordingly. The CDA, Guwahati turned down the proposal as it was in direct contravention of the ban orders imposed by the Government of India for fresh recruitment vide letter dated 30.6.1992. Despite the above rejection by the authority, the Station Headquarter, Tezpur took up the case of the temporary employees by forwarding statement of case to Army Headquarter in February 1995 for regularisation of the temporary employees to permanent category. However, the copy of the aforementioned statement had not been enclosed to the written statement, though in the written statement it has been stated as "(Copy enclosed)". The respondents in their written statement have further stated that in reply to the aforementioned statement, the Army Headquarters vide letter dated 13.11.1996 sought for clarification regarding annual increment and present pay scales of temporary employees employed by the Station Headquarter, Tezpur. The Station Headquarter, Tezpur vide letter dated 2.12.1996 intimated that the two Tractor Drivers and one Tractor Cleaner were employed as temporary employees and so in the absence of the approval from the Army Headquarter their services were not regularised and as a consequence no increment was paid to them. By communication dated 14.5.1997 the Army Headquarter intimated the Station Headquarter, Tezpur that the services of the two Tractor Drivers and one Tractor Cleaner employed in the Station Headquarter, Tezpur be provided with temporary status with effect from 1.9.1993 and intimated the qualification required for direct recruitment for the post of Tractor Driver as 5th Class pass and should have current licence to drive Tractor.

By.....

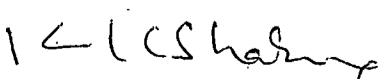
By communication dated 6.8.1997 the respondent authority asked the applicant to produce the educational qualification certificate and current driving licence to drive tractor, which was required to be forwarded to the Army Headquarter for regularisation of the applicant's service. According to the respondents the applicant failed to produce the education certificate and the driving licence till date.

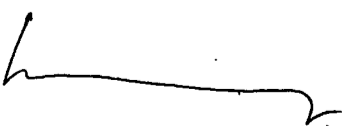
3. In the written statement the respondents have stated that the qualification of Tractor Drivers is laid down in the Army Headquarter communication dated 14.5.1997 and it was for the applicant to produce the educational qualification certificate and the driving licence for his regularisation. The applicant has denied that at any time he was asked to produce the educational qualification certificate and the driving licence.

4. Admittedly, the applicant is driving the vehicle of the respondents and he must have done so only with a valid driving licence. Be that as it may, the applicant shall now produce the current driving licence before the Station Headquarter, Tezpur alongwith his educational qualification certificate. Even if his educational qualification is not 5th Standard passed, we do not think that the respondents are that powerless in the matter of relaxing the educational qualification since the applicant had already, with whatever possible qualification he had, served under the respondents as a Tractor Driver.

5. Upon hearing Mr A.K. Roy, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C., we order the applicant to appear before the Administrative Commandant, respondent No.2, within seven days from the date of receipt of the order alongwith his current driving licence and educational qualification certificate and on receipt of the same the respondents shall take necessary steps for regularisation of his service as early as possible, preferably within thirty days from the date of receipt of the aforementioned certificate and driving licence, if need be by relaxing the educational qualification.

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


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central Administrative Tribunal Act, 1985)

O A No. 59 / 2001

Shri Karna Bahadur Thappa
-Versus-
Union of India

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Date</u>	<u>Page</u>
1.	Application		1 to 7
2.	Verification		8
3.	Annexure - A.		9
4.	Annexure - B	30.10.99	10
5.	Annexure - C	21.2.2000	11

For use in the office :-

Signature :-

Date :-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

(An application under section 19 of the Central
Administrative Tribunal Act, 1985)

- BETWEEN -

Shri Karna Bahadur Thappa
No. 213825, Tractor Driver,
Vill: Labar Gari
P.O : Lokna Dist. Tezpur,
Office of the Administrative Commandant
Station Head Quarter, Tezpur.

.. APPLICANT

- Versus -

1. Union of India,
Represented by Secretary
Govt. of India,
Ministry of Defence, New Delhi.
2. Administrative Commandant
Station Head Quarter, Tezpur.
3. Commandant, 51 Sub Area,
C/O 99 APO.
4. Area Commander, 101 Area
C/O 99 APO.

.. RESPONDENTS.

...2

Filed by the applicant
Shri Karna Bahadur Thappa
Thoresugh - 1
Ashok Kumar Roy
Advocate.
5/12/2001

Karna Bahadur Thappa

12

1. Particulars of order against which this application made :

This application is not directed against any particular order but against the action of the respondents is non-regularising the service of the petitioner as Tractor driver in which he was been working for last 14 (fourteen) years.

2. Jurisdiction :

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

3. Limitation :

That the applicant also declares that this application is made within the time limit as has been prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Fact of the case :

(1) That the applicant has been engaged as Tractor drive being No. 213825 by the respondent No. 2 as a master roll worker on 3/3/87 and since then he has been working in the said capacity till date and he will attain the age of superannuation on 21/12/2001. In this connection the said authority has issued the identity card to the applicant and one certificate regarding his continuation of service and age of superannuation.

10
9
-

...3

Karna Bahadur Thapa

Copies of the identity card and the certificate are annexed herewith as Annexure - 'A' and Annexure - 'B' respectively.

(ii) That the applicant states that though he has been working for last 14 (fourteen) years continuously the respondents have not regularised his service till date. In this connection the applicant approached the respondent No. 2 for a number of times and requested to take necessary steps for regularisation of his service and also submitted representations. He lastly submitted his representation dated 21/2/2000.

One copy of the said representation is annexed ~~herewith~~ as Annexure - 'C'.

(iii) That the applicant states that as he has been working in the same capacity since 3/3/87 continuously with satisfaction of all concern, he deserves to be regularised by the respondents, but till date the same has not been done inspite of his repeated persuasion. Be it stated that the respondents have engaged a number of tractor drivers as a master roll worker who are working along with the applicant since long back continuously and who are going to be retired along with the applicant. But no person has been regularised till date. ✓

(iv) That the applicant states that ~~from~~ the very fact of the present case it is clear that the service of the applicant and other similarly situated persons

are very much required to the respondents. As there is continuous need of service of the applicant, it is the duty of the respondents to regularise the service of the applicant and to extend all the service benefits.

(v) That the applicant states that as the respondents have not regularised the service of the applicant inspite of his long years of continuous service, The applicant has been depriving of all the service benefits without any fault of him.

(vi) That the applicant states that if his service is not regularised immediately, he will be deprived of getting the pensionary benefits after his retirement, inspite of his completion of long years continuous service in the same capacity under a Central Govt. organisation.

(vii) That the applicant submits that as the respondents are in this regard and as his date of superannuation is coming ahead, the applicant approach this Hon'ble Tribunal finding no other way.

5. GROUNDS :-

(i) For that as the applicant has spent his valuable period of life by extending his service under the respondents, it is the duty of the respondents to regularise his service.

(ii) For that as the applicant has been serving continuously for last fourteen years in the same capacity,

15

the respondents are duty bound to regularise his service w.e.f his date of engagement as master Roll employee.

(iii) For that as the respondents are taking the valuable service of the applicant in the same manner as the service of a regular employee, it is the duty of the respondents to regularise his service as tractor driver and extend all the service benefits.

(iv) For that to take service of the applicant for last fourteen years continuously without regularising the service, is one form exploitation in a socialistic country and hence that should not be allowed to continue.

(v) For that from the very fact it is clear that there is regular need of service of the applicant and hence there is no logical empadiment to regularise his service.

(vi) For that the action of the respondent is illegal, unjust and whimsical and hence the same is not maintainable in the eye of law.

(vii) For that the action of the respondents is illegal in as much as it violates the Article 14, 16 and 21 of the Constitution of India.

(viii) For that the very act of the respondents goes against the Directive Prind ple of State Policy and hence the same is not sustainabl e in the eye of law.

...6

Karna Babbar Tupa

(ix) For that the action of the respondents is arbitrary and illegal.

(x) For that at any rate the action of the respondents is not maintainable and hence that should not be allowed any longer.

6. Details of remedies availed :-

That the applicant declares that he have taken recourse to all the remedies available to him but failed to get justice and hence there is no other alternative efficacious remedy open to him other than to approach this Hon'ble Tribunal.

7. Matter not previously filed and / or pending before any Court :-

That the applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter before any Court, authority or any other bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any Court.

8. Reliefs sought for :-

Under the circumstances stated above the applicants pray for the following reliefs : -

(i) To direct the respondents to regularise the

service of the applicant w.e.f 3.3.87 i.e the date of his engagement as muster Roll employee.

(ii) To direct the respondents to extend all the service benefits to the applicant.

(iii) To grant any other relief as your Lordships may deem fit and proper.

(iv) Cost of litigation.

9. Interim relief, if any :-

Under the circumstances stated above the applicant does not pray any interim relief.

10.

11. Particulars of Indian Postal Order :-

(i) I.P.O No. :- 5G 422013
(ii) Date of issue :- 5-2-2001
(iii) Payable at :- Guwahati

12. List of enclosures :-

As stated in the index.

VerificationP/8

Karna Baidya Tupa

VERIFICATION

I, Shri Karna Bahadur Thappa, Son of *Late Nara*
Bahadur Thapa aged about 57 years,
resident of Vill. Laban Gani P.O. Lokna
District - Sonitpur (Assam) do hereby verify
that the contents of paragraphs 1 to 12 of the
application are true to my knowledge and belief
and that I have not suppressed any material fact
of the case.

And I sign the verification on the 3rd. day
^{February}
of December 2000

✓ Karna Bahadur Thapa

Signature of the applicant.

Date : 3.2.2001

Place : Guwahati

ANNEXURE - A

283025

पत्र नं. 581691

पत्र नं. PASS NO.

नाम
Name in full

उम्र
Age

व्यवसाय
Type of employment

दृश्य पहचान चिह्न
Visible identification marks

हस्ताक्षर
Signature

बाएँ अंगूठे का निशान
Left thumb impression

भारत
INDIA

Signature of Issuing Officer & date

67

3

Attested by
 Akshay
 Advocate
 2/2/2007

C E R T I F I C A T E

Certified that No 213825 Sh Karna Bahadur Thapa, was employed with Stn HQ Tezpur wef 03 March 87 as Tractor Driver on Pay Scale 750-12-870-EB-14-940/-. The individual continuous to be on the master roll of this HQ till date.

As per records available with this HQ the individual will attain the age of superannuation on 21-12-2001.

Station : Tezpur

Sd/-

(B S Riar)

Dated : 30 Oct 99

Lt Col

SSO

for Adm Comdt.

Attested by
Advocate
3/2/2001

- 11 -

9

ANNEXURE - C

To,

Adm. Commandant
Station Head Quarter
Tezpur.

Dated - 21/2/2000

Sub : Prayer for Regularisation in the
Service.

Sir,

I have the honour to submit the following few lines for your kind consideration and favourable action :

1. That I have been working under your establishment since 3-3-87 as Tractor Driver without any break in Service.
2. That I have made several representation to regularise my service as I am deprived of many facilities which a permanent employee gets.
3. That I am a poor employee and considering my long service in the Department I deserves regularisation in service, but it is not known as to why my case is held up.

I therefore once again bring the matter to your Notice for consideration of my prayer.

It is therefore prayed to your honour to regularise my service and for which act of your kindness I shall be ever grateful to you.

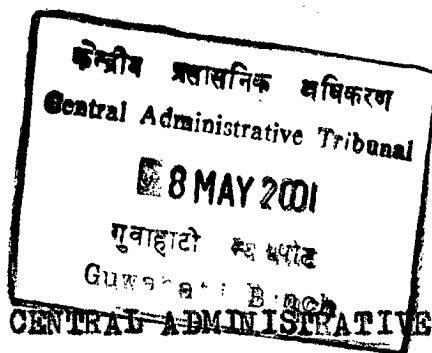
Yours faithfully,

Sd/-

(Bri Karna Bahadur Thappa)

Station Head Quarter
Tezpur.

Attested by
AkRay
Date 21/2/2001



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 59 OF 2001.

Shri KB Thapa

-Vs-

Union of India & Others.

- And -

In the matter of :

Written Statement submitted by
the Respondents

The respondents beg to submit a brief history of the case which may be treated as a part of the written statement.

(BRIEF HISTORY OF THE CASE)

Shri KB Thapa was appointed as Tractor Driver w.e.f. 03.03.1987 for 89 days on temporary basis vide Station Headquarter Tezpur letter No. 3032/Tr/Est. dated 02.03.1987 (Copy enclosed). At the time of appointment as temporary tractor driver the age of Shri KB Thapa was 36 years.

Stn. Hq Tezpur was authorised three tractors vide Govt of India, Min. of Defence letter No. B/94784/Q3(B)/783-Q/D(Q&C) dated 28.2.78 and Govt. of India, Min. of Defence letter No. 39530/EC/Q3(B)/5559/D(Q&C) dated 31.10.1985. However, in the above quoted letters the authorisation of tractor drivers were not mentioned. Station Hq Tezpur during May 1992 took up a case for supplementary establishment of two tractor drivers

and one tractor cleaner with Higher HQ so as to regularise the service of two tractor drivers and one tractor cleaner who were employed on temporary basis into permanent basis. Shri KB Thapa is one among these temporary tractor drivers. This was done in keeping view of the fact that increment and other allied benefits would be applicable to this individuals if they are made permanent.

However, CDA Guwahati turned down the proposal on the ground that it is indirect contravention of ban orders imposed by Govt. of fresh recruitment vide their letter No. Pay/3/V dated 30.6.92.

In spite of the above restraints to help out the temporary employees on humanitarian grounds the Stn. HQ Tezpur took up the case by forwarding Statement of Case to Army HQ in Feb 1995 for regularisation of temporary employees to permanent category (Copy enclosed).

In reply to the above, Army HQs vide their letter No. C/60316/SD-6B (Vol-III) dated 13.11.1996 sought clarification regarding annual increment and present pay scales of temporary employees employed by Stn. HQ Tezpur.

Stn. HQ Tezpur vide their letter No. 3032/Tv Dvr/ Emp/Est dated 02.12.96 intimated that the two tractor Driver and one Tractor Cleaner are employed as temporary employees hence their services have not regularised in the absence of approval from Army HQ as a consequence no increment was paid.

During May 97 Army HQ vide their letter No. C/60316/SD-6B (Vol-IV) dated 14.5.97 intimated that services of two tractor driver and one tractor cleaner employed at Stn. HQ

Tezpur be provided with temporary status w.e.f.01.9.93 and intimated the qualification required for direct recruitment for the post of tractor driver is 5th Class pass and should have current licence to drive a tractor (copy enclosed).

During Aug '97 Shri KB Thapa was asked by Stn HQ Tezpur vide their letter No.3032/Tr.Dvr/Emp/Est dated 06.8.97 (copy enclosed) to produce Education certificate and current licence to drive tractor to be forwarded to Army HQ for regularisation of service. The individual has failed to produce his education certificate and driving licence till date.

The respondents beg to submit the written statement as follows :

1. That with regard to para i, the respondents beg to state that the contents of this para are admitted being factually correct.
2. That with regard to para ii, the respondents beg to state that the contents are denied as being not factually correct. We had taken up the matter with the Army HQ on various occasion for regularisation of applicant's service into permanent category (copies enclosed).
3. That with regard to para iii, the respondents beg to state that the contents are denied as factually incorrect and misleading. As per the Army HQ letter No. C/80316/SD-6B (Vol-IV) dated 14.5.97 for direct recruitment as tractor driver the required qualification is Vth Class pass and should hold current licence to drive tractor. The applicant was asked to produce his educational certificate and driving licence to the

Second Respondent vide their letter No. 3032/Tr. Dvr/Est dated 06.6.97 for regularisation of applicants service (copy enclosed). However, the applicant failed to produce his education certificate and driving licence till date . Therefore in the absence of above documents his case cannot be taken up with Army HQ for regularisation of his service as permanent incumbent category .

4. That with regard to para iv, the respondents beg to state that the contents are denied as such by employing the applicant as temporary employees does not confer any right on the applicant to demand regularisation of his service into permanent category .

5. That with regard to para v, the respondents beg to state that the contents are denied as the individual has failed to produce the necessary documents for regularisation of his service since Aug'97. Since applicant has to fulfill qualification as intimated by Army HQ which are mentioned in para (c).

6. That with regard to para vi, the respondents beg to state that the contents are denied . Mr. KB Thapa does not fulfil the basic qualification for permanent employee. He was asked vide Stn. HQ. Tezpur letter No. 3032/Tr Dvr/Emp/Est dated 06.08.1997 to forward Class Vth education certificate and Tractor Driving Licence, he has failed to do so.

7. That with regard to para vii, the respondents beg to state that in view of the aforesaid, the prayer of the applicant to regularise the service into permanent category is not feasible due to the fact that the applicant does not

(16)

25

-5-

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

I, Shri Col Manmohan Singh of Station HQ

Tezpur

being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

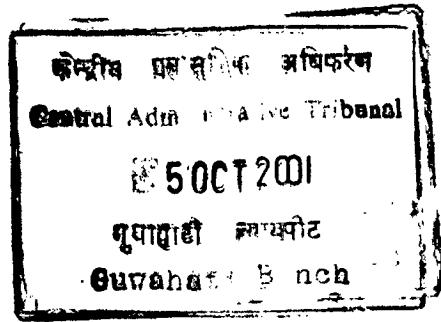
And I sign this verification on this 25th day of April, 2001.

Declarant



Col
Adm Comdt
Stn HQ Tezpur

(17)



27
Filed by the applicant
through —
Jeeharil Gogoi Advocate
4/10/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A NO. 59 of 2001

Shri K.B.Thapa

-VS -

Union of India & others

- AND -

IN THE MATTER OF :

Additional Statement / rejoinder on
behalf of the applicant.

The applicant most humbly begs to state as follows :-

1. That, the applicant has been served with a copy of the Written Statement through his advocate and after going through the same, I have understood the contents made thereof and hence the applicant deny some statements made in the written statement.
2. That, the applicant states that on the basis of his valid licence he was engaged as tractor driver by the respondents on muster roll worker basis. But at that time requirement of educational qualification was not asked for.
3. That, the applicant deny the statement of the respondents that he was asked to produce educational certificates and current driving licence to start the

the regularisation process and he was never served with the so-called letter under NO. 3032/Tr. Dvr./ Emp/Est dated 6.8.97 and hence the question of his failure to produce the educational certificate and /or driving licence does not arise.

4. That, the applicant also opposed the statement made in para 4 of the written statement and states that as he has been working since long continuously in the same capacity, a legitimate rights has been accrued towards him to get his service regularised even by condoning the educational qualification.

Under the fact and circumstances the original application may be allowed with full relief.

That, the statements made in paragraphs 1, 2,3,and 4 above are true to my knowledge and belief and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 4th day of October 2001 at Guwahati.

Karna Bahadur Thakur